DECENTRALISED COOPERATIVE GOVERNANCE IN THE SOUTH AFRICAN METROPOLITAN MUNICIPALITIES

by

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A thesis submitted to the University of Fort Hare, Faculty of Management and Commerce in fulfilment of the requirements for a Doctor of Philosophy Degree in Development Studies.

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ABSTRACT

The study emanates from the constitutional imperatives with regard to the role of local government in community development. The notion of cooperative governance is envisaged in the South African Constitution which stipulates that all spheres of government must adhere to the principles of cooperative government and must conduct their activities within the parameters prescribed by the Constitution. The purpose is to support and strengthen the capacity of the local governments to manage their own affairs and to perform their functions. The basic values and principles governing public administration entail that: it must be broadly representative of the people of South Africa in order to redress the imbalances.

The existing gaps in the legislation on decision making power at the local level of the municipality, be it in a ward committee or sub council, have not been adequately addressed in the post 1994 democratic dispensation. It is in this context that this study seeks to address these gaps and obstacles, and contribute to the design and development of a decentralized cooperative governance model, specifically to the six metropolitan municipalities and also provide a basis for further research. The findings of the research could be adapted as a national policy in the empowering of municipalities through the dispersal of democratic power which is an essential ingredient of inclusive governance. Based on a case study of six metropolitan municipalities, the research is intended to contribute to the development of empirically grounded; praxis and practical guideline in decentralized cooperative governance which can be adopted and institutionalized in public administration.
It is believed that a study of decentralized cooperative governance adds value in that it seeks to link decentralized power and local development. Rather than civil society organisations being seen as adversarial, a creative partnership with the state in local development is crucial. This political assimilation is critical in the construction of democracy through fusing the substantive values of a political culture with the procedural requisites of democratic accountability. This serves to fragment and disperse political power and maintain a system of checks and balances with regard to the exercise of governmental power. The capacity for innovation, flexibility and change can be enhanced at the local level, and it is a cliché that local decision making is viewed as more democratic in contrast to central, top-down decision-making processes. A syncretistic model for local government based on the political adaptation of political and inclusive decentralisation is outlined.
ACKNOWLEDGEMENTS

I would like to express my sincere thanks and gratitude to my supervisor, Professor Aminur Rahim of the University of Fort Hare for the guidance and direction he gave me during this study. Professor Rahim inspired me to think critically and exposed me to the thoroughness of academic research. I also wish to thank the Govan Mbeki Research and development Centre at the University of Fort Hare for their financial support which helped me immensely.

Secondly, my acknowledgement goes to the University of Cape Town for access to their well-resourced library, This is attributable to the Committee For Higher Education Librarians in South Africa (CHELSA), through an agreement that was reached by the two universities (Fort Hare and Cape Town).

I am also thankful for the invaluable support that I received from the following municipalities: City of Cape Town, City of Johannesburg, City of Tshwane, Ekurhuleni, ETekwini, and Nelson Mandela Bay municipalities.

Finally, I would like to express my sincere appreciation to my wife, Khulukazi, my children Buhle-Bemvelo and Hlonelwa for their constant, steadfast support and encouragement during my studies. Of course I must also thank my mother, Nozipho who always believed in me and gave me her unflagging encouragement throughout my entire life to always strive to reach newer heights.
DEDICATION

I dedicate this work to my wife Khulukazi, and my lovely children Buhle-Bemvelo and Hlonelwa. I hope this will inspire you.
DECLARATION

I, ANTHONY ANDILE ZIMBA, hereby declare that this is my original work and all sources have been accurately reported and acknowledged, and this document has not been submitted to this or any other university in order to obtain an academic qualification.

Signature: ____________________  Date: _________________
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CHAPTER 1

THE INTRODUCTION OF THE STUDY

The focus of the study is decentralised cooperative governance in the South African local government. The following six metropolitan municipalities in South Africa are the focal point for the study: the City of Cape Town, the EThekweni Metropolitan Municipality, the City of Tshwane, the City of Johannesburg, the Ekurhuleni Metropolitan Municipality and the Nelson Mandela Metropolitan Municipality. It is important to note that the Buffalo City Metropolitan Municipality was not part of this study since it was not established as a metropolitan municipality. However, in terms of the Local Government Municipal Structures Act (No.117 of 1998), Government Gazette (No.2565), 16 May 2011, the Buffalo City Municipality was established as a metropolitan municipality. Notably, this only culminated after the local government elections which were held on 18 May 2011. At this stage, the study was nearing completion.

A Metropolitan government is defined as “a territorially consolidated form of local government with jurisdiction over spatially extensive urban territories” (Planact, 1992:21). It is crucial at this stage to ask the question: Why the study of metropolitan municipalities? Metropolitan areas are important for the following reasons: they accommodate high density populations and there is a need to improve service delivery and regular coordination in these large areas, they handle huge budgets which are approximately 90 per cent of the size of those of Gauteng, Western Cape and KwaZulu-Natal, and they need to be economically competitive within the context of globalization
(Cameron, 2000:156). In other words, the rational for establishing metropolitan governance is also an attempt to cope with urban growth. In this context, it is crucial to give the historical background of how the previous non democratic apartheid regime disregarded decentralised cooperative governance.

The pre-1994 South African apartheid local government disregarded the basic principles of democracy, as cooperative governance never featured in this system. Contextually, cooperative governance means a system which subscribes to co-operation, mutual respect and reciprocity between civil society, the different institutions and spheres of government, in which the end-result is a consultative and inclusive culture of decision-making. Local government was described by the pre-1994 South African government as a unit within a unitary democratic system of the Republic of South Africa in which subordinate members of the government are vested with prescribed, strictly controlled government authority to render certain local services and to develop, control and regulate the geographical, social and economic environment of certain circumscribed local regions (Bassoon and Viljoen, 1988:296).

Further, Basson and Viljoen (1988:295) give the following account of local government pre-1994: there was no autonomy for local government, it was clear that control was vested in the relationship between the local government concerned and the provincial and central government. Strict control over the institution of local governments and the power to institute them rested with the administrator of the province concerned. The power to make decisions was vested in the council. Committees of the council which were either a management or single committee system or a multiple committee system, implemented the decisions of the council. The council could enact by-laws on matters
specifically entrusted to the local government by provincial ordinances which had to be approved by the administrator of the province concerned (Basson and Viljoen, 1988:297).

As part of the separate development policy, local authorities were established for each population group to manage the affairs peculiar to that group or community under the control and direction of the local government concerned: For Coloureds and Indians, consultative committees were established which were later transformed by the administrator concerned into executive committees, under the guardianship of the White local government regarding budgets and rendering of services (Basson and Viljoen, 1988: 299-300). They further illustrate that the affairs of Black population groups have always been managed by the central government and strict centralized control over Black local government was retained throughout. It is clear from what has been said above that local communities were not given any democratic rights over their own affairs. The provincial and central government exercised a top down approach to control the local government. Decentralisation of power was ignored and there was maximum control by higher levels of government (Basson and Viljoen, 1988:297-306). The elements of cooperative governance such as cooperation, mutual respect, trust and reciprocity were not upheld and state structures were mechanisms of domination that discounted the participation of the masses in local governance.

In essence, the Apartheid South African government created an accountable but highly centralised government which was not accessible to civil society. During the apartheid era and since the advent of democracy in 1994, the South African government has been grappling with the all-important democratization process, which, among others, is to
ensure decentralisation of decision-making power to the local levels under the jurisdiction of local municipalities. The current system of decision making in most metropolitan municipalities is still centralized and hampers service delivery. The system of local government under apartheid failed abysmally to meet the basic needs of the majority of South Africans as no attempt was made to provide services to all the people. Instead, a particular group benefited. Local government was not developmental in nature since no attempts were made to uplift communities socially or economically.

Further, during the apartheid era, South African local government followed the traditional decision making model. This was a narrow focus, based on a closed system approach were other factors and significant stakeholders were disregarded in the formulation of specific decisions. It was only after 1994 with the dawn of the new democratic dispensation that the principles of cooperative governance were adopted though to a limited extent.

Following the new democratic dispensation in 1994, the South African government introduced a new constitution which stipulates three spheres of government: national, provincial and local government. Local government is the centre of decision making that affects the people at local level. This means therefore, that without decentralized cooperative governance at local government, communities will be prevented from taking part in the decision making process as happened with the previous government which monopolized power. When the three spheres of government failed to bring about local democracy, decentralized cooperative governance came under scrutiny because the political parties monopolized power, and gave the executive mayor executive powers. Even now, despite the devolution of power, the executive mayor dominates the decision
making process. Minimal decision making powers are delegated to the local level to expedite service delivery and this compromises cooperative governance. In some instances, the executive mayor has an overarching strategic and political responsibility and is at the centre of municipal government. Specific mayoral or portfolio committees are entrusted with the responsibility of ensuring effective governance of the municipality. The executives tend to make far reaching decisions because they have more access to information. Though, at times, the dominance of the executive is required to expedite service delivery and play a coordination role in terms of making strategic decisions and overseeing the greater council. However, this defeats the whole notion of cooperative governance at the local level and this begs the question: how then do municipalities remain relevant to the practical exigencies of the developmental needs of their communities if they still follow the centralist approach? It is for this reason that, for local development to exist, a favourable environment should be created at a local level. Strategically, the South African constitution has placed local governments at the epicentre for development.

However, what should be the prerequisite for local government to be developmentally oriented? What measures should be in place to promote cooperative governance and what decision making model can be followed to foster decentralised democracy? The need for decentralized democracy is supported by the prescripts of chapter 7, section 154 of the South African Constitution Act no 108 of 1996 which stipulates that municipalities must ensure cooperative governance. To safeguard a decentralised democracy, a heuristic and creative model of cooperative governance at local level will be proposed which hinges upon an institutionalised relationship between civil society
organisations, municipal councillors and officials who are policy implementers in order to improve service delivery.

Based on the definition of cooperative governance alluded to earlier, a platform for all key role players in local government development will be created and these key role players will interface with each other and make a meaningful contribution to the decision making process. Post-1994 South Africa is largely admired internationally as a model democratic state, while apartheid South Africa was despised almost universally as a betrayal of democratic values (Business day, 22 September 2008). In addition, South Africa boasts a constitution regarded as one of the most progressive in the world. This is evidenced by the principles of decentralised development enshrined in the constitution.

Notwithstanding the tremendous progress made by the post-1994 South African government to inculcate democratic principles of good governance in all state institutions, advancing the argument in favour of decentralisation of power should be viewed as an attempt to consolidate local democracy. Therefore, the post-1994 South African government entrenched the elements of co-operative governance to address the inadequacies of the previous government and empower the communities in decision making. Notably, there have been difficulties in the transition from the apartheid system in local government to a modern democratic system. Basically, cooperative governance is a system which subscribes to co-operation, mutual respect and reciprocity among civil society, the different institutions and spheres of government, resulting in a consultative and inclusive culture of decision-making. This assertion is substantiated and complemented by chapter 3, section 41 of the South African Constitution Act 108 of
1996 which promotes cooperative governance and various proponents of democracy. Such a form of governance is lacking at the local level. Currently, decision-making power is located at the upper echelons (municipal council) and in most instances the council gives the mayor executive powers to run the municipality in conjunction with a mayoral committee. The lack of decentralized cooperative governance at local government level and how it hinders effective decision-making will be revealed in this study. The exclusion of civil society, social movements, and the community from decision making and centralizing such decision-making among the municipal bureaucrats and councilors/politicians is contradictory to the tenets and principles of democracy as enshrined in our Constitution.

Despite attempts by the post-1994 democratic government of South Africa, transformation at the local government level has not been effectively implemented. Hence in almost all metropolitan municipalities, the power to make decisions is focused at a single point, which is the municipal council. This can be viewed as centralisation of power and a lack of participation of the communities at local level. The aloofness, rigidity and inaccessibility of local government to civil society organisations have been observed in the past and this is still perpetuated in the new democratic dispensation. Further, this argument for decentralisation which is linked with cooperative governance has been triggered by chapter 10, section 195 of the South African Constitution Act 108 of 1996 which stipulates amongst other things that public administration must be governed by democratic values which include the following: it must be development oriented, capacitate the communities, the public must be encouraged to participate in policy-making, and services must be accessible to the public.
Amongst others, local government in South Africa has been geared and structured to meet the following specific aims and objectives: democratizing and legitimizing the system of local government which was previously segregated along racial lines; establishing ‘wall to wall’ local government for all communities and geographical areas in South Africa, integrating previously segregated local government administrations and budgets on the basis of the principle “one city one tax base” in order to achieve a greater degree of social equity, rationalizing the total number of municipalities (increased from 284 in 1993 to 1262 in 2001) in order to improve local financial sustainability and redistribution of resources; developing the capacity of local managerial leadership; promoting increased access to resources for local government; and ensuring the participation of communities in all the affairs of local government (Msengane-Ndlela, 2003/2004:24).

Notwithstanding the above aims and objectives, the following changes have been envisaged by the transformation process of local government: instituting good cooperative governance within national and provincial spheres; establishing a strong focus on service delivery at local level; developing efficient and effective administrative systems; strengthening institutional systems; changing accountability systems; creating a new framework for municipal finance management, and ensuring that local governments fulfill their development mandate (Msengane-Ndlela, 2003/2004: 24). The introduction of the new South African Constitution heralded a new system of governance in a country that was previously characterized by draconian policies and a relic of approaches resulting in adversarial relations between the state and civil society. The historical evolution of local government gave birth to a centralist approach in
matters of a local nature. Since the advent of democracy from 1994, the South African government has been grappling with the implementation of co-operative governance, as this has been reduced to a philosophy without any practical meaning. This is despite its good intention as stipulated in the Constitution, which obligates the state to support interaction and co-operation between the three spheres of government and provides a set of principles to direct the manner and quality of such interactions.

1.1 STATEMENT OF THE PROBLEM

Despite the apartheid approaches of centralized government, the issues of decentralized cooperative governance came under the scrutiny of the post-1994 democratic government as problems from the apartheid era. Since the advent of democracy from 1994, the South African government has been grappling with the implementation of co-operative governance.

Non-cooperative governance from the Apartheid era which was characterized by the mistrust and marginalization of civil society in local government creates adversarial relations between the state and the civil society organisations and it is only the introduction of cooperative governance in its genuine form that will empower the people. The development in the post-Apartheid government where a mayor is given executive powers to make decisions regarding local level matters, results in power being monopolized. Though it might seem that cooperative governance is being implemented through the executive mayor, this is basically not cooperative governance because the executive mayor disregards and manipulates the sub councils, ward committees which are supposed to be local structures entrusted with the decision making.
Disregarding these factors does not augur well for an inclusive participatory process as enshrined in the South African constitution. Decision making is the purposive human behaviour of choosing among alternative strategies for achieving a specific goal (Hanekom and Thornhill, 1983:58). The community expects the state to be the accelerator and innovator of economic and social change and not a preserver of the status quo (Hanekom and Thornhill, 1983:37). Hence it is argued that decision making should not be a unilateral process but should reflect the values and needs of the broader community, though decisions taken should be within the guidelines or prescripts of the South African Constitution. As stated by Ballard (1991:43), decisions taken by officials and councillors should not reflect their personal views, nor should they in anyway substitute their personal views for community values. It is on this basis that scholars such as Hanekom and Thornhill (1983:58) concur with the definition of decision making as the concept of choosing between alternatives. Therefore, fundamental decisions should not be agreed upon without the consideration of the “prevailing contextual circumstances” (Ballard, 1991:7). If local government is to be truly local, it should be responsive to local needs. There is a need for local government to display a degree of flexibility as well as ensure a high level of participation and representation.

While the South African government has adopted principles of cooperative governance which are premised on the fundamental notion of uniformity, sameness, coordination, cohesion, and collective responsibility and accountability, its practical implementation in the municipalities still leaves a lot to be desired. Significantly for this study, the notion of cooperative governance is emphasized and underpinned by Chapter 3 of the South African Constitution Act 108 of 1996, section 41 which with section 154 stipulates that
all spheres of government must adhere to the principles of cooperative government and must conduct their activities within the parameters that this chapter provides. Disempowering local structures renders them dysfunctional, “nice to have as units”, rubber stamp policies and serve as conduits of agglomeration of what the higher structures want. Historical experience shows that it is dangerous to disregard local structures as change agents and that doing so engenders protests.

Cooperative governance at the local level has the following significant benefits: It serves to fragment and disperse political power and maintain a system of check and balances with regard to the exercise of governmental power. Significantly, this enhances the capacity for innovation and foster local decision making. Its main objective is to bring diverse opinions from a wide spectrum of community organisations. One of the critical elements of cooperative governance is that it fosters the decentralization of power. Fundamentally, decentralization is a process by which resolutions, conclusions, agreements or settlements are reached at the local level and it involves choosing from several alternative courses of action (Kruschke & Jackson, 1987:14).

This process affords citizens an opportunity to make a contribution in matters that affect their daily lives. The challenge facing South African municipalities is that, if they continue with this old pattern of centralizing power, they might find themselves increasingly irrelevant in discharging their responsibilities to their respective communities, and they can therefore only redeem themselves from this quagmire by finding new ways of achieving credible democratic models of decision making. In this context, the local level will refer to sub councils and ward committees depending on what is in place at the particular respective municipality. It seems that, generally,
decisions are made on behalf of the people and there is no engagement. Therefore; to overcome the top-down approach to governance, sustained citizen engagement is required from the grassroots level. It is in view of the above that this study proposes that thriving municipalities plan from the bottom up, so that everyone has a say.

1.2 OBJECTIVES OF THE STUDY

This research emanates from the constitutional imperatives on the role of local government in community development. This has been further underpinned by the promulgation of the Local government: Municipal Systems Act No. 32 of 2000 and the Local Government: Municipal Structures Act No. 117 of 1998. In section 195 of the constitution, the basic values and principles governing public administration are set out as follows: it must be broadly representative of the people of South Africa in order to redress the imbalances of the past. The Constitution has delegated the responsibility of ensuring that basic services, as contained in the Bill of Rights, are rendered to communities in a sustainable and developmental manner by the state and municipalities. In terms of Chapter 7, Section 154 of the Constitution of the Republic of South Africa, municipalities have been entrusted with the responsibility of ensuring co-operative governance through the decentralisation of power in order to redress the imbalances of the past. Section 152 of the Constitution upholds the objectives of local government which include the following: to provide democratic and accountable government for local communities, to ensure the provision of services to communities in a sustainable manner, to promote social and economic development, to promote a safe and healthy environment and encourage the involvement of communities and organizations in matters of local government. In principle, the nature of co-operative
government is a bottom-up process starting from the local sphere and ensuring that the above objectives are met.

Therefore, in view of the above background regarding the problem under investigation, the objective of the study is to develop an integrated creative model of the democratic decision making process at a local level based on the principles of cooperative governance that would include technocrats, municipal councilors and civil society organizations to consolidate local democracy in South African local government. The decentralized cooperative model for decision making should be guided by the supposition that the decentralization of power may bring the people closer to governance and this will be backed up by the philosophical and theoretical framework on which the study is based. This study focuses on how decentralisation of power purports to create an enabling environment for cooperative governance to thrive.

The objectives of this study are to investigate: To what extent is the decision making process is taking place at the local level? If this is happening, how power has been decentralized to the local level? Has cooperative governance increased the participation of civil society?

As a result the research focused on following three predetermined themes:

1) A theoretical framework: that would provide understanding of the principles of cooperative governance as outlined in Chapter 3 of the Constitution of the republic of South Africa.

2) The extent of the decision making process taking place at the South African metropolitan municipalities and how local government has evolved in terms
of decision making: This will include self-administration exercises, democratic self-governance, accountability, responsiveness to local issues, and how representative and inclusive these local structures are in relation to civil society.

3) Cooperative governance: that would present a broader perspective of the emerging philosophical and theoretical development of local democracy.

In the current context, decisions are made for the people in the metropolitan municipalities because of a lack of cooperative governance. The six metropolitan municipalities were chosen (with the exception of Buffalo City Metropolitan Municipality which was not yet promulgated as a Metropolitan Municipality) as the focal point of this study because they are strategically located in the peri-urban areas. Metropolitan municipalities are viable units of government for meaningful democratic governance and socio-economic development at the local level. In addition, since these metropolitan municipalities are strategically placed across the country, they are a logical choice for a study of this kind, which is aimed at examining whether decentralized cooperative governance is conducive to decision-making at the local level and whether this can lead to the effective democratization of the metropolitan municipalities in this country. In other words, this study argues that upholding a constitution that enshrines democratic principles of cooperative governance, while acknowledging the lack of its implementation at local level as a result of the action of technocrats is inconsistent and contradictory. It is on this basis that attempts will be made to build an argument on developing a creative cooperative governance model at local level. More specifically, it will be argued that co-operative governance is being paid mere lip service and has
become rhetoric in local government.

1.3 SIGNIFICANCE OF THE STUDY

South African local government has not been adequately transformed since 1994 and significant gaps still prevail in the decision making process. This study seeks to address these gaps and contribute to the design and development of an integrated creative model of the democratic decision making process at local level based on the principles of cooperative governance that would include civil society organizations, municipal councilors and officials to consolidate local democracy at a local government level. It is believed that a study of cooperative governance adds value in that it seeks to link decentralized power and local development.

A similar study was done by Jaap de Visser (2005) regarding the institutional choices for the development of local governance which sought to link development theories of law. It is on this basis that de Visser's work has been instrumental in this study. However, his work only focuses on the following: the role of the state in development and looks at the advantages of decentralization but does not conclusively indicate where this development should take place whereas this research brings the following strengths to the new body of knowledge: it brings a new paradigm shift for devolving decision making to the sub councils or ward committees which are at the lowest level through cooperative governance principles. It will contribute to the development of empirically grounded theory; praxis and practical guidelines in decentralized cooperative governance which can be adopted and institutionalized in public administration and also provide a basis for further research in local government. It is envisaged that such a model will enable local government to be accessible and benefit the local communities.
through participation in decision making regarding issues of development within their local areas. The findings of the research could be adopted as a national policy in the empowering of municipalities through the dispersal of democratic power which is an essential ingredient of inclusive governance.

Rather than civil society being seen as adversarial, it can enter into a creative partnership with the state in local development. As espoused by Uphoff (1986:76), this would serve to fragment and disperse political power and maintain a system of checks and balances within the exercise of governmental power. The capacity for innovation, flexibility and change can be enhanced at the local level, and local decision making can emerge as democratic in contrast to central, top-down decision-making processes.

1.4 RESEARCH DESIGN AND METHODOLOGY

The study used qualitative and quantitative methods which will be elaborated in subsequent chapters. The study combined a number of techniques to ensure reliability. The primary data was captured through in-depth selective interviews and questionnaires. The study followed a qualitative approach that sought to gather information from the purposive stakeholders who were able to clarify the extent of their plight with regard to decentralized cooperative governance. The research methodology will be developed along these lines. By utilizing a qualitative approach, an attempt is made to understand the experiences of these respondents, from the subjective perspective of the individuals involved, because of the complexities and diversity of their work environment which can only be captured by describing the extent of the problem at their work places and communities. This was incorporated in the context in which they
operate, as well as their frame of reference. An ethnographic research tradition was followed, which according to Cresswell (1994:163) aims at obtaining a holistic picture of the subject with emphasis on portraying the everyday experiences of individuals by observing and interviewing them. The instruments to be used in obtaining the qualitative data will be observing and interviewing participants in focus groups.

A quantitative approach was also followed by seeking information through the questionnaires. This gave insight into the extent of the obstacles and challenges faced by these focus groups. A mailed survey, as suggested by Cresswell (1994:122), was used as an instrument to obtain quantitative data, and the following three-step procedure was used to obtain a high response rate: a) an initial mailing of questionnaires to respondents, b) a second mailing of reminders after 2 weeks, and c) a third mail as a reminder to complete and send in the questionnaire. A historical and descriptive study was undertaken to indicate the empirical evidence of the absence of decentralized cooperative governance at the metropolitan municipalities. Background information and socio-economic profiles of each metropolitan municipality was gathered and the existing governance and administrative structures were analysed for the purpose of assessing the institutional and organizational capacity of these municipalities for effective decision making power at a local level. A critical review of existing literature in the form of texts, briefs, reports, documents and bulletins was carried out to enable the researcher develop an in-depth understanding of the subject under discussion. The study was based in South Africa and the focus was on the cooperative governance of the six South African metropolitan municipalities which are the City of Cape Town, the City of Tshwane, the City of Johannesburg, the EThekwini Municipality, the Ekurhuleni
the Municipality, and Nelson Mandela Bay Metropolitan Municipality. A stratified and purposive sampling technique was chosen to make it uniformly representative of the municipalities. Key participants/informants and target groups were identified for data collection in the six metropolitan municipalities in South Africa. According to Welman and Kruger (2001:63), this is the most important non-probability sampling in which researchers rely on their experience, ingenuity and previous research findings. For the purpose of the research, the fore-going will be discussed and elaborated on Chapter 5.

1.5 DELIMITATION OF THE STUDY

Although decentralization of power has been well studied in general, additional work needs to be done, especially in the area of understanding how decentralized cooperative governance can improve service delivery in local government. The research seeks to put forth theoretical and practical guidelines for decentralized cooperative governance which will stimulate further research.

The geographical setting of the six metropolitan municipalities posed a serious challenge of its own in terms of distance and accessibility of the participants for arranging interviews. The political instability in certain municipalities presented difficulties to the researcher in accessing participants as one had to deal with new administrations in seeking approval for the study.

The issue of cooperative governance at municipal local level still poses a challenge in public administration. It is with this in mind that decentralised cooperative governance as a creative model in the post-1994 South Africa is researched within the metropolitan municipalities. For the purpose of this study, it is argued that cooperative governance in
local government is mere rhetoric and that the state finds it easier to issue commands to civil society rather than consult it in matters that affect its daily livelihood. Ironically, cooperative governance is considered appropriate when it relates to inter-government departments and excludes civil society. As the situation prevails in South Africa, cooperative governance is applied in a narrow sense without due consideration of other social movements other than government departments. In fact, the strength and fabric of a democracy depend largely on the constitutional imperatives of cooperative governance if it is applied in its totality and this holds the key to the country’s future.

1.6 OUTLINE OF THE STUDY

The following discussion presents the chapters of the study:

Chapter 1: provides the introduction and context setting of the study.

Chapter 2: focuses on the literature review and theoretical framework of the study. It analyses the key concepts in this study: political and inclusive decentralization of cooperative governance. Against this background, the chapter deals with the existing theoretical models of decision making such as public deliberations, bureaucratic and pluralistic democracy models. This explores the current trends of decision making and reveals the historical background of the culture of involving communities in development decisions. This chapter further outlines the philosophical and theoretical best practices from other countries which guide this research. This is discussed in relation to how they can be fused to yield an alternative model.

Chapter 3: suggests an alternative model of governance for South Africa while
Chapter 4: outlines the discourse of governance in the selected case studies. It focuses on the main features of a metropolitan municipality as outlined in the Local Government Municipal Structures Act. This also depicts the current features of the council structures.

Chapter 5: outlines the research plan and process and,

Chapter 6: presents the findings and gives an analysis of the results and the conceptual framework.

Chapter 7: gives a summary of conclusions and recommendations. An innovative new agenda of the integrated alternative model of decision making at the municipalities is provided which explores the intricate approaches to inclusive decentralization of cooperative governance.
CHAPTER 2
THEORIZING DECENTRALISED COOPERATIVE GOVERNANCE

2.1 INTRODUCTION

This chapter focuses on the theoretical framework of decentralised cooperative governance within the context of decision making processes at local municipal level. This is essential because it emphasises the importance of what is meant by the key terms and outlines a common understanding for all concerned. The contemporary development of public administration warrants and demands a new way of thinking and benchmarks the best practices adopted the world over. Worldwide, decentralized governance is increasingly favoured as the most suitable mode of governance through which government programmes and decisions can be effectively implemented.

Fundamentally, decentralisation is a generic term which according to Kauzya (2001:3-4) embodies a number of modes such as to deconcentration, which refers to the process of administrative decentralisation whereby the central structure designs a structure that enables its agents to work closely with the local people; delegation, which is the transfer of responsibilities from central structure to semi-autonomous bodies; devolution, which is the process of transferring decision-making powers, functions, responsibilities and resources to lower structures or bodies. An open mind is needed to inculcate and adopt the globalization trends which embrace cooperative governance as feature of decentralization so that South Africa can take centre stage in the contemporary global public development framework. A critical analysis of the existing theoretical decision making model will be presented and this will be done against the backdrop of
developing a creative cooperative governance model in local government based on the decentralisation approach. Attempts will be made to draw learning experiences and inferences from the existing theoretical models of decision making in other countries and this will be condensed and incorporated into the principles of cooperative governance so as to uphold the tenants and prescripts of democracy.

Since Chapter 3 of the Constitution of the Republic of South Africa, 1996, section 41 lays the foundation for cooperative governance, this will be discussed in relation to how power can be decentralised to the local level through a creative model of democracy which attempts to develop a partnership between civil society, municipal councillors and technocrats. It will be argued that this partnership can synergise relations and improve the developmental decision making process at the local level. An overview of political decentralisation as the context for understanding participatory democracy in local government will be outlined and based on this exposition; an alternative model which encompasses inclusive decentralisation will be presented. Bringing in an inclusive *decentralisation* model will ensure that civil society, and not only politicians, makes decisions. This research therefore introduces an inclusive model, which will be discussed later in this chapter.

An argument will be presented on how the transfer of power, responsibilities, functions, and resources to the local level in the municipalities will help to empower communities to work together to define and resolve their problems. Furthermore, the transformation from an Apartheid to a democratic government will be discussed in relation to a creative decision making model based on participatory governance.
The benefits that this new culture of democracy will bring to the local people and their role in influencing development decisions will be revealed throughout this study. A discussion regarding the philosophy of co-operative governance will be advanced in relation to its implications in local government. It will be argued in this section that there has not been any concrete implementation of cooperative governance.

2.2 COOPERATIVE GOVERNANCE AND DECENTRALISATION

Chapter 3 of the South African Constitution Act 108 of 1996 represent the most distinct document that signifies the importance of cooperative governance. The mantra of this chapter is cooperation of state institutions with other relevant role players and the establishment of structures to promote relations. It is against this backdrop that decentralization (political and inclusive decentralisation) will be discussed in relation to the promotion of cooperative governance in the South African local government. However, the emphasis will be on inclusive decentralisation because of its conformity to the principle of cooperative governance.

2.2.1 PARTY POLITICS AND THE PROBLEM OF DECENTRALISATION

In modern society, the balance of power between political parties and civil society organisation is not always even. As a result, cooperative governance has not been given this impetus. In the following discussion, political decentralisation will be analysed in relation to party politics. In this context, political decentralisation is regarded as the transfer of power by a ruling political party to lower structures which are semi or largely independent of higher levels of government (Manor, 1999:6). It contains seeds of discontent: by bordering on the terrain of majoritarianism. This purports that majority
rule which is a mantra of all political parties in power, tends to assume that the interests and views of civil society are considered, which is not in most instances. Furthermore, the danger of an arrogant majority party is like a malignant cancer, hence Malala (2010:7) asserts that: the “majority could reject the views of the minority because they enjoy superior powers in government institutions”

The most outstanding feature of this approach is what is noted by Zwede and Pausewang (1991:2002:133) as “most often practised in highly decentralised political systems”. There are diverse motives for political decentralisation at local level: such as fiscal transfers, where the centre cedes influence over budgets and financial decisions to the local level. It also; extends liberal representative politics to the lower level; facilitates cooperation between government and local structures and enhances accountability by bureaucrats, elected representatives and political institutions (Manor, 1999:37).

The development of political decentralization has to be grasped for the reason that it fosters and embraces party politics. In party politics, decision making becomes the sole responsibility of politicians who represent their constituents. Communities need “to be protected against the government” (Macpherson, 1977:47). In such circumstances there can be a unilateral domination of one group by others which Robert Michels’s Iron law (cited by Dahl, 1982:35-36) term it “oligarchy”. Further, Michels (1962:349) sounds a word of caution that such a tendency is a stage on the way to a “dictatorship of a group of oligarchs” which basically entails a “rule by the few”. Incongruously, party politics have straitjacketed the thinking of the electorate. Because of their affiliations and allegiance to a particular party, they remain dogmatic and continue to vote their party
into power despite its failure to fulfill its mandate. Such behaviour of the electorate can best be explained by making reference to the writings of the renowned sociologist Anthony Giddens. He denounces people who exhibit such fixations or obsessions as having “ontomological security and existential anxiety”. Basically this means that such individuals are driven by anxiety and a sense of security compelling them to resort to routine because they fear to deviate from voting against the party that has liberated them (Giddens, 1991:44). Paradoxical to Giddens’s view, Fox (1992:6) posits that when constituencies are dissatisfied with their political leaders, they may simply leave or threaten to leave the party and he terms this the “exit option” which aims at withdrawing power delegated to political leaders and increases the leverage of voice.

However, authors such as Xolela Mangcu hold a different view of the above notion. He states that: “people respond to this state of anxiety or fear by resorting to routine……they tend to vote for the same political party or look to the same leader” (Mangcu, 2010:16). As a general trend, electorate tend to have emotional attachment towards their leaders. For this reason, Michels (1962:92) asserts that: “this sentiment of gratitude is displayed in the continual re-election of the leaders who have deserved well of the party, so that leadership commonly becomes perpetual”. Gidden’s principle is fundamental in exposing the shortcomings of political decentralisation which claims that political parties are supreme and that they are the only legitimate voice, they also create a perception that communities cannot decide about their own destiny. Political parties purport to be the only voice and this is contrary to constitutional democracy. As pointed by Michels (1962:34), political and organisational elites tend to have a special group interest which at times is in conflict with the views of those people they represent. He
also asserts that the foregoing does not mean that democracy is impossible; rather this suggests that there is a dire “need for a more realistic understanding of the democratic potential in a complex society”. It is on this basis that Macpherson (1977:7) holds the view that this can serve as an opportunity to investigate and display the workings of contemporary liberal democracy which dispel the notion of using single models which “block off future pathways” and the political system remains “fixed in its present mould”. He suggests that a new political system should embrace “certain present mechanisms such as the competitive party system and the wholly indirect government”.

In addition, Giddens (cited by Bryant and Jary, 1991:203) refers to such human behavior as the “Ontology of social life” which is a conceptual investigation of the nature of human action, social institutions, and the interrelations between action and institutions. Given this stereotypic tendency, electorates continually cede decision making powers to politicians, Giddens (1986:8) makes a parallel comparison to what he refers to as institutionalized modes of conduct which refers to the modes of belief and behavior that occur and recur. When such behavior has been institutionalized, it becomes a “commonly adopted practice which continues in recognizably similar form across generations” (Giddens, 1986:8). Hence electorates at the South African local government level become driven by this anxiety which compels them to resort to routine because of the fear of deviating from voting for the party that liberated them.

Observations like these are not intended to down play the importance of party politics but to reveal the limitations and shortcomings of political decentralization. In this context, political decentralisation can be understood to refer to the transferring of executive power and authority from political leaders (political parties in power) to lower
structures such as portfolio/mayoral committees, sub councils and ward committees within local government.

As elected representatives of their respective constituencies; municipal councilors play a critical and pivotal role in decision making at the local level. The cooperative governance perspective necessitates that political will should prevail in order to create a conducive environment for the local communities to participate in the governance of their lives as opposed to political parties dominating the decision making process. The fore-going is supported by Michels (1962:67) that “such models….enable the masses to participate” in their parties. However, it must be considered that, as politicians, councilors should encourage this form of participatory governance. Therefore, such uncontrolled, exclusionary participation by politicians must be diffused to give cooperative governance a chance. Such contestations of divergent views from municipal councilors need to be safeguarded, as they have the potential to hamstring local development. It is important to realise that progressive ideas which aim at taking co-decisions with civil society organizations need to be met with political will from municipal councilors. The lack of political will impacts on the decentralisation of strategies which are aimed at fostering self-governance and efficiency. It is believed that a desire to deepen democracy and participation in decision making from politicians is a fallacy if there is little or no support from civil society and these minorities must “be allowed greater autonomy, perhaps even total independence”.

The major shortcoming of political decentralisation is that the government and the state conflate as one and become indistinguishable one from the other at the political and institutional level. To compound matters, politicians and officials collude against civil
society because relations between the two role-players are not always cordial and becomes “one of deliberate superiority and subordination” as observed by Reddy (1999:118). Yet a clear distinction of the functions and parameters of politicians are stipulated in the Local government municipal systems Act.

The extent of involvement of organized civil society is minimal in political decentralization, hence the question: Does political decentralization consider other role players except elected representatives in decision making? The answer to this question lies in the fact that elected representative’s account to their electorate, therefore, they are reluctant to involve other role players in decision making as they do not owe any allegiance to them. In general, electorates demand that their elected representatives defend their interests and they constantly put pressure on them to account for their mandate. Significantly, various scholars are advocating for a political democracy which aims at the consolidation of the position of political representatives and civil society to ensure inclusivity (Fox, 1992:2). The shortcoming of freely elected representatives is that they can become authoritarian and disregard other key role players in local government. This view is supported by Darcy (2005:319), who states that: “those with power are always conservative in the sense that they have an interest in conserving their power”.

As indicated in the previous discussion, in the South African local government context, political decentralisation is driven by politicians (Councillors). The party in power deploys councillors in strategic positions in the municipalities and this can be in council, portfolio/mayoral committees, sub councils, ward committees and ward forums. It is in these structures that politicians wield uncontrolled power and make critical and strategic
decisions. Notably, political monopoly does not augur well for democracy as it silences the multiple voices of our societies. As stated by Ramphele (2010:9): “the quality of a democracy can be measured by the extent to which it defends the right of a multiplicity of voices to be heard.” Depriving societies of such rights undermines the high values placed on the equality of individuals as free actors in shaping their destiny. By entrusting the future of a society to a political party which has the mandate of a sizeable population, we run the risk of passive resistance from the governed and broaden the gap of despair. The current practice in the municipalities of entrusting power to politicians such as Executive Mayors can easily lead to the above scenario. In this understanding, political decentralisation “does not offer citizens credible alternatives to express themselves as the sovereigns of a constitutional democracy” (Ramphele, 2010:9). Citizens need real choices instead of being trapped and beholden to a single party for their freedom.

Arguably, power should be delegated at a lower level to empower the local citizenry and in the South African context this refers to ward committees or sub councils. Civil society is considered “a human activity that is outside or apart from the structures of state and government in which free individuals form voluntary associations and establish pluralistic relations based upon affinities and common interests rather than coercion” (Macey, 2000:62). Therefore the involvement of civil society is more likely to engender the principle of local self government. However, this does not imply that this is a perfect system because drawing powerful figures with strong profiles and constituents at local levels into positions of power might create animosity in the central structures. More fundamentally, Manor (1999:44) emphasises that: “political leaders might have viewed
decentralisation as means of providing people at the grass roots with a new kind of politics which would divert their attention and their demands away from the increasingly ineffective networks of patronage distribution, and toward authorities at intermediate and local levels, with new opportunities to influence decisions at those levels.” For this reason it makes sense to decentralise those responsibilities in which economies of scale cannot be achieved. However caution should be exercised, as it is unwise to devolve responsibility for complex development projects to local level authorities because they tend to lack the inclination, the sophistication and administrative capacity to implement them (Manor, 1999: 81).

Similarly, the deliberate attempts by governments to deprive societies of choices render them powerless because of the pre-determined, top-down policies from politicians. Almond and Powell (cited by Rahim, 2007:304) caution that: “the subordination of interest groups by political parties may limit the mobility of the political process, create monopolies in the “political market”, and even stalemate the political system”. Basically, the interest-groups/clientistic approaches are a prerequisite for the democratic decision making process. As Fox (1994:153) pointed out, clientelism occurs when the poor bargain with the state for material resources without forfeiting their right to articulate their interests. The creation of open spaces at local level affords interest groups an opportunity to bargain for the available material resources.

Grindle (2000:197) argues that institutional intervention alters the nature of everyday public administration, and this requires versatile politicians to give a degree of power to shape the new institution. By the same token the creation of new institutions has political consequences. Through political decentralization, limited opportunities are
given to the citizenry to participate in political decision making. This is a deliberate attempt by political leaders who are safeguarding their interest to be compromised by the civil society (Grindle, 2000:19). Undoubtedly, voters will prefer politicians who aim at improving their welfare than those who harbor their own interest at heart. On the contrary, politicians will prefer more authority, discretionary powers, and opportunities to promote their careers and according to Michels (1962:90): “all this brings honour to the leader, gives him power over the mass, makes him more and more indispensable”. Ceding power to politicians through political decentralisation puts governments in a precarious position of uncertainty though it ensures the long-term legitimacy and stability of institutions of governance (Grindle, 2000: 203). To give democracy meaning, it is imperative for the higher structures to cede power to the local level and this requires higher structures to accept the limitations on their powers. In order for this to take place, decision making power should be delegated to lower structures such as ward committees and sub councils which are at the coalface of the communities and strategically located to expedite local development.

The fore-going, contradicts what Heller (2001:140) defines as “democratic decentralisation redistributing power (the authority to make binding decisions about the allocation of public resources) both vertically (incorporating citizens) and horizontally (expanding the domain of collective decision making)”. Hence, it is prudent to say that cooperative governance mirrors the extent of development in a democratic country. This is evidenced by the increasing dependence of government on other organizations in society for reaching its goals. It is Bevir’s (2007:531) assertion that “governments and their agencies no longer are the sole decision makers on the distribution of public
goods”. A partnership with all key groups is imperative and Heller (2001:152) labels this the “ecology of agents, an interdependent, interconnected set of complementary actors” and amongst others these actors are civil society organizations which must be institutionalized at local ward committee or sub council level. Bevir (2007:531) argues that, cooperative governance is a flexible pattern of public decision making based on loose networks of individuals. Undoubtedly, cooperative governance seeks to strengthen the role of councilors to be powerful leaders, especially when they are schooled in persuading people to consensual decision making. Cooperation among civil society, councilors and officials is much needed in this new democratic dispensation and this view is supported by Bevir (2007:532) who attest that political participation has changed quite dramatically and many citizens are no longer satisfied with the rather passive role as voters and clients of government, but want to become involved in policy and decision making. He indicates that all these developments are a clarion call which points in one direction: “the necessity of cooperation”. It further affords a platform for the deliberation of policies, reasoning around divergent parochial points of view among the partners and taps into the “potentialities of the local communities” (Bevir, 2007:531).

Hence it is argued throughout this study that a decentralized cooperative governance system at the municipal local level has great potential for improving service delivery. It therefore stands to reason that cooperative governance among civil society organizations, councilors and officials should prevail for these role players to complement and legitimize the democratic process and “taken together, these diverse groups represent a potent coalition for change” (Crook and Manor, 1998:1). Proponents
of decentralization such as Manor (1999:43) suggest that cooperative decentralized governance promotes partnerships with groups at lower levels and make development more sustainable.

Significantly, the transformation of the Apartheid system into a participatory system followed a political decentralisation approach which according to Zewde and Pausewang (2002:132) is a popular governance arrangement aimed at achieving devolution of decision-making power and transferring political responsibility to local councillors. Elected local councils are accountable to the electorate and have the single most important advantage of democratic self-rule and popular participation subject to public officials control and accountability, and it also empowers communities to influence public policy. Further, Hadenius (2003:109) argues “that political decentralisation is “a double edged sword” as it is favoured for a number of reasons: it enables minorities to avail themselves of government power, it can keep power close to citizens, it can prevent arbitrary central government rule, it can promote political participation and it ensures more efficient delivery of local government”. Contrary to popular view, political decentralisation only cedes power to politicians not to the electorate or community. As indicated by Hadenius (2003:109) political decentralisation has not always achieved the intended outcomes. Instead it is often associated with political clientelism, cronyism, corruption and mismanagement, control of local staffing without the impetus of ensuring sound personnel practices which can lead to corruption and nepotism. It is on this basis that Darcy (2005:329) opines that: “authority becomes coercive when it becomes illegitimate….when leaders exceed the scope of delegated authority and resort to illegitimate means of exercising formal or informal power”. This
is often seen when politicians assume power. They prefer to appoint their own friends who at times have no knowledge of procedures and rules. This further perpetuates the patronage-based-system and results in failure in service delivery. This is done for rewards and favours as well as for loyalty to the political masters.

The following discussion will locate broader views on participatory democracy and transformation from Apartheid to democratic participation and how they impact on decisions making through the convergence of civil society, councilors and officials at local level. Democracy is more than competition. There is political and ethical consideration of human beings. The general population plays a role in carrying out its political affairs. For this reason, democracy ought to function in the interest of the governed in shaping government policy. There is no reason why political decentralization cannot coexist with the requirements of a participatory democracy.

On the other hand, it is the notion of participatory democracy that there should be direct citizen participation in the process of governance thereby minimizing citizen abuse by the elected leaders. Since participatory democracy is about political stability, the extent to which individual citizens can influence the decisions that affect their lives, creates an environment that is conducive to cooperative governance. However, most theorists would concur that political decentralisation is an active participation of political parties in an arena where politicians drive the decision making processes with the mandate they have received from their respective constituencies.

In as much as political decentralization is generally understood as a multi-dimensional phenomenon, it is embedded in conflict and the benefits associated with diverse
alternative types of activities. In South African municipalities the notion of clientelism has been developed by councilors, which to a certain extent, allows for community participation in ward committees and sub councils. Germane to political decentralization is the realisation that it gives centrality to active and a widespread public participation in political life through elected representatives. Therefore, clientelism should be transformed to benefit civil society through interaction with the authorities and this is non-existent in South African local government. To support the above argument, Fox (1994:151-152) asserts that respecting associational autonomy allows citizens to organize in defense of their own interests.

Political decentralization can also result in political cynicism and the most cynical are those who are frequently engaged politically rather than the average citizen. By the same token, political cynicism fuels protest activities ranging from service to cost of living boycotts. Political decentralisation serves as a safety valve when there is a lack of trust in the political system. It facilitates discussions and debates and the process is navigated by politicians. It is commonly assumed that if people do not have confidence in the core institutions, they are reluctant to participate in the democratic process, producing apathy (Norris, 1999:259). In essence political decentralization continually reproduces and regulates power relations amongst politicians in such a way as to maximize the opportunities for individuals to influence the conditions in which they live. Such excessive control by politicians frustrates the engagement of civil society to such an extent that institutions often find themselves at loggerheads with civil society organizations. Contrary, the more trusting the citizen, the less likely they are to be engaged in political discussions. Furthermore, the better educated and those of higher
socio-economic status are most likely to be political active.

The political decentralization approach has the potential to strain the relationship with civil society and traditional leaders who are at the mercy of political parties for a position or recognition within the municipality. Administratively, the nature of political decentralization is such that, it precludes anyone who is not an affiliate of the party or has any allegiance and loyalty to the party in decision making. The government should be cautious about marginalizing those of a lower socio-economic status; as such a category of people can easily vote against the ruling party and dethrone it. The question of how South African metropolitan municipalities can combine political and inclusive decentralization is central to this study. More specifically, the challenge is to explain how these municipalities can become forums of public debate, representation of civil society, or political socialization instead of keeping with the role of bureaucratic red tape and, dispensing top down authority which is non participatory.

To a certain extent, the post 1994 South African democratic government has heralded a new era for the participation of civil society organizations in government affairs through ward forums, ward committees and sub councils. Hence it is paradoxical that Cooperative governance underpinned by decentralized power is considered a favorable environment for the participation of civil society in development. This narrows the gap between civil society organizations and the state. It also facilitates the convergence of ideas which is a fundamental requirement for an interactive and responsive state. Due to the research’s reservations and its trepidation about the current political decentralization in the South African local government context, the following section will elaborate on inclusive decentralization and the work of theorists such as Zwede and
Pausewang which encapsulates the bureaucratic, deliberative and pluralistic approaches. The shortcomings and limitations of political decentralization lead to the following discussion of inclusive decentralization.

**2.2.2 INCLUSIVE DECENTRALISATION AND DECISION MAKING**

The previous discussion explained how parties in power exclude opposition voices. Political decentralisation is exclusive by nature in the sense that only the interest of the party is considered at the expense of civil society which chooses invariably to be apolitical. In support of, this view, Dahl (1982:1) states that “organizations ought to possess autonomy” over their constituents. Therefore, the proposed alternative for civil participation is called the inclusive decentralisation model which hinges upon the following three pillars: civil society, councilors and officials.

In this context, inclusive decentralisation entails the participation of civil society organizations in governance. Basically, this is institutionalized decentralisation involves all civil society formations in decision making. In essence, officials as professionals are only expected to give guidance on how governance should be run. In the South African municipal context, local units will refer to ward committees and sub councils. Fundamentally, civil society possesses indigenous knowledge and institutional memory and these bring a diversity of views to the administration of their local affairs. Invaluable skills and expertise of civil society organizations cannot be over-emphasized. Significantly, civil society does not account to political parties. It always claims to be non-partisan when dealing with civil matters. Further, civil society is interested in the common good than politics which might not be reflected in party politics.
It is Fox’s (1992:4) assertion that political decentralisation cannot solve problems unless there are mechanisms of checks and balances in society and government: “power must be decentralised amongst autonomous interest groups for democracy to work fairly.” Failure to allow representation of civil society denies the community a voice in the development processes. On the other hand, inclusive decentralisation allows active civil society members an arena in which to express themselves freely and influence decision-making. This can be made possible by the state which designs a mechanism or structure that enables its councilors and officials to work close to the local people in local units. It entails putting in place a structural arrangement that will allow the local people, through their civil society organizations, to be involved in or have a strong influence on decision making. Inclusive decentralisation combines what Blair (2000:21) calls “meaningful authority devolved to local units of governance that are accessible and accountable to the local citizenry”. Another influential scholar who argued in similar terms is Frank (2006:1). He opines that inclusive decentralisation in Bolivia endeavored to improve governance, regional equity, and service delivery.

The above is a clear indication that civil society should be included in decision making by municipalities. These institutions should remove obstacles to their participation as legitimate citizens. In a general observation of municipalities, top decision makers are councilors and officials. According Machel (2010:4), the “best capital is people and the potential of expertise they represent… and the best investment you can make is in the human capacity”. Further, civil society must hold governments accountable and assist municipalities to function as a third sphere of government.

On a philosophical basis, the notion of direct citizen participation in the process of
governance is imperative to minimize citizen abuse by elected leaders and, more often than not, this brings about political stability because it affects the extent to which individual citizens can influence the decisions that affect their lives. This point is emphasized by Blair (2000:23) when he states that “this will give civil society representation, a key element in empowerment, which can be defined as a significant voice in public policy decisions that affect their future.” Excluding civil society or lobby groups from the decision making process, makes them nothing more than oppositional groupings whose ultimate aim is to replace those in power. To give democracy real meaning, citizens must not be spectators who only vote, but between elections, become passive regarding quality of services rendered to them by the state. It is imperative that citizens desist from playing a passive role. Civil society is not an alternative to the state but complements the state.

Fox and Miller (1995:32-34) supports this view that people should be involved in the decisions that affect their lives, not only for the sake of justice, but also because the full development of their human potential requires it. However, it is prudent to highlight that decentralization of power does not solve problems if there are no checks and balances in local government. Fox (1994:152) emphasises that encouraging the associational autonomy of civil society to organise in defence of their own interests complements a political party’s ability and potential to respond to the inherent diversity of societal interests. Contrary to this view, political decentralisation denies citizens the right to pursue their goals of autonomy. It compels apolitical citizens to sacrifice their autonomy by aligning themselves with political parties if they want their voices to be heard and such state of affairs is condemned by Dahl (1982:16) who asserts that: “political
autonomy is a form of control”. He further makes an example that: Beta’s decision to act is political autonomous in relation to another actor which is Alpha and therefore no organisation must compromise its identity in order to seek survival. Furthermore, and particularly relevant here, is Fox’s assertion that political interference affects the exercise of citizenship rights. As a result citizens exchange their political rights for social benefit and vote buying by political machines becomes endemic. This undermines the consolidation of democracy (Fox, 1994:153). Fundamentally, Fox’s argument is that political elites remain united if there is little room for the construction of citizenship rights and they split only when faced with legitimacy problems and when such cracks appear, civil society starts to demand access to the state and defend their capacity to articulate their own interest (Fox, 1994:156). Therefore, a vibrant civil society which demands inclusivity in governance is vital.

However, involvement of civil society in decision making on developmental programmes heightens civil society’s awareness of what is happening in their local areas and this balances power sharing. As a result, lack of recognition of civil society organizations at local level does create tension among central and local level authorities in terms of their roles and functions.

Brennan and Lomasky (1993:200-2004) argue that democracy is likely to work better on average if it is supported by a civil society that encourages public interest and electoral pressure as “watch-dogs” of their constituencies. The task of these new democracies, which most of the time are created by dissidents, is to rebuild the associational networks such as unions, churches, political parties and movements, cooperatives, neighborhoods and schools of thought which serve as societies for the prevention of
any unpalatable actions and policies from the state. These formations believe that to live well is to be politically active, work with fellow citizens, be freely engaged, be fully committed, and they direct their energies towards policy formation and decision making in the democratic state (Crook & Manor, 1998:87). In the following discussion, an attempt will be made to elaborate on inclusive decentralization in relation to the principles of bureaucratic, public deliberations in deliberative democracy and pluralism.

2.2.2.1 INCLUSIVE DECENTRALISATION AND PRAGMATIC BUREACRACY

Inasmuch as the view of inclusive decentralisation is gaining momentum in modern democracy, it becomes imperative that bureaucratic principles are changed and modified to embrace and usher in this new form of decentralisation to be in tandem with the principles or elements of cooperative governance such as mutual trust, respect, inclusivity and collective decision making.

Max Weber is the proponent of the bureaucratic approach and he defines it as a functional specialization with clear lines of hierarchical authority, expert training of managers in which decision-making is based on rules and tactics developed to guarantee consistent and effective pursuit of organizational goals (Fox et al.; 1991:86). As a fundamental principle, inclusive decentralisation cannot be attained unless pragmatic bureaucracy is changed dramatically to embrace cooperative governance principles. A significant factor in this approach is that the officials and civil society should accept and conform to these fundamental principles. This approach has been elaborated in more contemporary times by Patrick Heller (2001-135). He makes the observation that: the technocratic view emulates the prescripts and procedures of the
western world as best practices and use them as benchmarks in public administration. This view is complemented by the relevant work of Farazmand (1997:190-191) who stresses that, when officials conduct their work, they are expected to comply with policies that are essentially political in origin. The current South African constitution (Act 108 of 1996), Chapter 3, adopts the principles of cooperative governance to lessen bureaucracy by enforcing cooperation of state and community in mutual trust and good faith through adhering to agreed procedures. In embracing inclusive decentralisation, the state should avoid dictating the terms of development and denying autonomy and localism. Mouffe (2000:97) contends that “procedures are inscribed in shared forms” by officials, accepted and followed by the entire institution. The fundamental point of this approach is that it is founded on the principles of honesty, integrity and emphasizes conformity to policies, procedures and rules to ensure the smooth operation of an organization. Therefore the engagement of civil society is of vital importance. According to Bevir (2007:532) such approaches will: “increase the transparency of government and will enable politicians as well as administrators to work within a set structure and clear responsibilities…excluding civil society movements in local government is tantamount to the shirking of responsibility by the bureaucrats”.

It is Heller’s (2000:135) view that the technocratic vision equates decentralisation with the task of designing appropriate institutions. The structure can be derived from an accumulated corpus of knowledge in public administration with regard to policy making, organizing, work procedures, budgeting, and control and monitoring. This view relies on the ability of a cadre of officials and experts to apprehend and transform the world. According to the tenets of democracy, public officials are expected to be non-partisan
and ensure fairness and inclusivity when discharging their duties. Its inclusivity complements the principles of cooperative governance, which advocate for the inclusion of other key role players such as civil society. This will encourage the active involvement of citizens in the day-to-day activities of governance, and officials to adhere to procedures and practices. In order to achieve inclusive decentralisation, the state should encourage autonomy and localism. This inclusive model is consultative, and promotes the capacity of civil society to shape economic and developmental policies.

Mainwaring et al. (1992:231) caution that such exclusion may alienate civil society and provoke civil disobedience. Civil society might engage in disruptive economic actions to the detriment of the state. The extreme centralization of power in technocrats and politicians reduces the ability of civil society to veto their decisions through local structures. Henderson and Dwivedi (1999:70-77) indicate that “women have been denied political, social, and economic opportunities and have been frequently socialized to accept their ‘inferior’ status”. This uneven representation of civil society, especially women, has been observed in the South African local government. By adopting inclusive governance, public officials will be exonerated from the charge of excessive aloofness, ritualistic attachment to routines, procedures, and resistance to change. Therefore, inclusive decentralisation will safeguard against such tendencies.

Promoting and fostering a culture of closed decision-making and subordination to unaccountable leadership creates the basis for a radical new type of political space. As indicated by Mangcu (2008:124), internal bureaucracy needs coherence which is necessary for effective decision making and this should be complimented by a strong social connectedness which can be brought about by the creative energies of the
population in the decision making processes of government. This assertion is in congruence with the principles of inclusive decentralisation.

The above principles complement the public deliberation approach which is inclusive in nature and will be discussed in the following section.

2.2.2.2 INCLUSIVE DECENTRALISATION AND PUBLIC DELIBERATIONS

The preceding discussion, showed how pragmatic bureaucracy can be mitigated or moderated with the principles of cooperative governance. The South African constitution (Act 108 of 1996) obligates local governments to foster a new culture of co-operative governance and participatory democracy. In the following discussion, public deliberation will be presented as a key component of inclusive decentralisation.

Authors such as Bassette (1994:201-202) and Nino (1996:104-105) are arguably the foremost proponents of public deliberation, which is based on the principle that legitimate democracy grows out of public deliberations among citizens and the state. They assert that this provides an opportunity for “face to face society” of small groups of a manageable size talking to one another before making decisions. Such groups could be interest groups, social movements or any other social formation with an interest in the governance of their affairs. Integrally linked with inclusive decentralisation, is the question of popular participation in decision making where the participants have more highly structured preferences for policies and, in a sense, become more willing to make some sacrifices in the public interest. As a general observation, inclusive decentralisation portends that: the participants regard themselves as bound by the results and preconditions of the deliberations (Bassette, 1994:202). In principle, anyone
can put forth proposals, criticize, and support measures. This is a system of political decisions based on some tradeoff of consensus in decision making and representative democracy (Bassette, 1994:45). Inclusive decentralisation presents a sharp contrast to the traditional theory of democracy, which emphasizes voting as the central institution in a democracy, and politicians are accorded the status of sole decision makers. This model is a process in which participants are afforded an opportunity to “seriously consider fundamental information and arguments and seek to decide individually and to persuade each other about what constitutes good policy” (Bassette, 1994:46). Public policy is deliberated and this often includes problem solving, and analyzing the best option. This might result in unanimity of view, where no voting is necessary, though sharp disagreements might prevail. Hence Gastil and Levine (2005:15) assert that: “dialogue and deliberation can be tools for eliciting, appreciating, and utilizing differences to arrive at collective decisions.”

Deliberations are aimed at finding reasons acceptable to all who are committed to such a system of decision making and views of the marginalized, isolated and ignored groups in decisions are taken into account. This type of democracy may be promoted at the local level disagreeing on policies before their ultimate implementation. The fundamental advantage of public deliberation is reciprocity: it holds the view that citizens owe one another mutual justification for mutually binding laws and public policies they collectively enact. Excluding civil society or lobby groups from the decision-making process, result in these groups becoming nothing more than oppositional groupings whose ultimate aim is to replace those in power (Nino, 1996:104-105). As a requirement for inclusive decentralisation, there must be structural arrangements at lower levels for
decision making to be effective. This augurs well for the principles of deliberative
democracy which are based on the consensus decision making approach. The strong
points of this model are that: citizens in this form of democracy structure their
institutions in such a way that deliberation is the deciding factor in their creation and that
they allow deliberation to continue; there is a commitment to the respect of pluralism of
values and aims within the polity; participants regard the deliberative procedure as the
source of legitimacy; each member recognizes and respects the other as having
deliberative capacity. The additional strength of this model is that it is able to
incorporate a broad variety of opinions and base policy on outputs because of the time
given for all participants to understand and discuss issues at large. Participants are
afforded an opportunity for adversarial presentation of competing arguments. This
model tends to generate ideal conditions for impartiality, rationality and knowledge of
the relevant facts (Nino, 1996:111).

The significance of this approach to decision-making is the involvement of public
representatives by affording them with an opportunity to think critically regarding policy
issues. Notably, deliberation encourages broader perspectives of opinions which foster
better understanding of policy issues and this can result in informed decisions.
According to Nino (1996:111), the strength of deliberative democracy is that it tends to
generate ideal conditions for impartiality: “the idea of impartiality cannot be reduced to
equilibrium of powers. It requires impartial judgment about the interests of all people
concerned”. This model is relevant to the principles of cooperative governance since it
focuses on cooperation between government and non government actors. This
approach emphasizes the relevance of checks and balances.
In addition, this model is the cornerstone of civil democracy, since it is the direct product of civil society organizations and fosters civil representation of the population. It is Lowi’s (1979:44) view that “the emerging public philosophy, interest—group liberalism seeks to solve the problems of the modern state by justifying their power through avoiding the law and by parceling out to private parties the power to make public policy”. This has been clearly illustrated in Bangladesh, where organized interest groups were allowed to emerge in strength and the activities of non-governmental organizations counted a great deal in union councils at sub district level. This was viewed as participation-oriented political culture (Crook and Manor, 1998:87).

Peter Hall (cited in Mainwaring et al, 1992:232), describes deliberative non-coordinated policy making as follows: “A state faced with multi tasks and well-defined conflicts of interests among the social classes it governs……. In many cases the pursuit of incompatible policies renders all of them ineffective, but this strategy prevents any one group from claiming that the state has come down on the side of its opponents”.

Although Peter Hall’s suggestions might sound abstract from the world of cynics, the above statement may enhance a sense of belonging and recognition of civil society and reduce feelings of uncertainty. Held and Polliti, (1986:126) suggest the following shortcomings of this model: first, civil society organizations are seen as promoting narrowly defined interests or causes. However, as they have no candidates in elections, they are considered separate from the state. Parties, on the other hand, are seen as bodies which aggregate interests and put forth their candidates at elections and are part of the state. Given this divergence of views of interest among citizens and the lack of consensus about how to deal with local problems, the bureaucrats get a free hand to
unilaterally implement decisions. Second, when consensus is not reached through laborious and mundane deliberations, the unilateral capacity of bureaucrats and politicians in decision making creep in and exploits the situation to their advantage.

Blattberg (2003: 2-3) further advances the following criticisms against deliberative democracy: First, it prescribes rules to be followed in deliberating issues, and those participating must strive to be consistent and avoid contradictions. Second, speakers are pigeon-holed to “defend only what they really believe to be true and those who would dispute a notion not under discussion must provide good reasons for doing so”. The third rule “demands that all who are competent be allowed to participate” and this begs the question whether it is permitted to limit participation to only those who are competent and exclude ordinary citizens who are adversely affected by state policies, and also to ignore indigenous knowledge. The fourth rule is that deliberative democracy has a tendency to encourage an adversarial relationship between the state and society, therefore this undermines the solidarity between citizens. Prescribing the kind of people who can participate in deliberative democracy is tantamount to super imposing ideas of the selected few and this is seen as sheer indoctrination.

Despite the above assertions and criticisms, inclusive decentralization seeks to afford its citizens a right to participate in collective decision making as a requirement for deliberative democracy alongside political representatives. Maximizing involvement of citizens results in better policies, increased public trust and reduces conflict when policies are implemented. By the same token, public deliberation requires that representative groups of ordinary citizens have access to balanced and accurate information, ample time to explore policy options. According to Bessette (1994:13), if
deliberative democracy is achieved it tends to solve the following problems which are common in government: first, it diffuses the problem of a majority faction. Second, it promotes the election of more responsible and knowledgeable political leaders and finally, it fosters genuine deliberation.

From the above theoretical exposition, it could be argued that a deliberative democratic model of decision making is akin to the interest-group approach. According to Mouffe (2000:94-105), the objective of this model of democracy is to bring to the fore the co-originality of fundamental individual rights and of popular sovereignty. It is a necessary condition for attaining legitimacy and rationality with regard to the collective decision making process in democratic institutions. The democratic institutions need to be so arranged that what is considered in the common interest of all results from the process of collective deliberation conducted rationally and fairly among free and equal individuals. However, it is imperative to find procedures that guarantee moral impartiality so as to ensure that the consensus that is obtained is a rational one and not a mere agreement. Therefore, such forms of agreement satisfy both rationality and democratic legitimacy as represented by popular sovereignty and establish links between liberal values and democracy (Mouffe, 2000: 83-89). Furthermore, she concedes that: “provided that the procedures of the deliberations secure impartiality, equality, openness and lack of coercion, they will guide the deliberations towards generalizable interests which can be agreed to by all participants, thereby producing legitimate outcomes”.

On the whole, it is important to concede that public deliberation entrusts more to the process of rational opinion and coexists with substantial dimension and comprehensive
views of the broader social movements. These require that participation not only to be free and equal but also be reasonable. Hence it is important for liberal institutions to be acceptable to people with different moral, philosophical and religious views. They must be neutral with regard to comprehensive views. Scholars such as Rawls (1993:35) are correct in pointing out that a well-ordered society is characterized by three things: first, it is a society in which everyone accepts the principles of justice; second, society cooperates to satisfy this principle by abiding to rules; third, its citizens comply with society’s basic institutions which they regard as just. Furthermore, he asserts that any society that does not uphold the principle of constitutional democracy is inadequate as a democratic conception (Rawls, 1993:35).

However, a broader dimension and critique of Rawls’s above assertion is to be found in the work of Amantya Sen (1999:63). Sen (1999:63) argues that “the priority of liberty” as espoused by Rawls “puts extensive classes of rights as having political precedence over the pursuit of social goals” and asserts that they must be accepted no matter what consequences follow them and must not be violated”. According to Sen (1999:64) this complete priority can be disputed by demonstrating the force of other considerations, for example, “Why should the status of intense economic needs, which can be matters of life and death, be lower than that of personal liberties? In view of the fore-going assertion, deliberative democracy implores that decisions taken by democratic institutions must be impartial, expressing the interest of all, and procedures be followed to deliver rational results through democratic participation. Deliberative democrats insist on the importance of rationality at work which promotes communicative action and free reason and is built on a firm foundation of cooperative governance principles. Moodie
and Studdert-Kennedy (1970:59) hold a strong view that “the time is long past when pressure groups were regarded as being virtually identical with “sinister or vested” interest whose machinations were invariably contrary to the public interest or general will”. These pressure groups may help to round out and complement the formal system of representation. Such interest groups must not be viewed as having intentions to replace the existing political parties and government structures but only to challenge the effectiveness of these structures in meeting their demands. As the proponents of civil society organizations, Brennan and Lomasky (1993:200) argue that democracy is likely to work better if government encourages broader participation, which must always be present to improve governance as underpinned by the inclusive decentralisation approach which is advocated by this study. To complement the fore-going discussion, pluralism will be discussed in the following section in relation to inclusive decentralization.

2.2.2.3 INCLUSIVE DECENTRALISATION AND PLURALISM

A central feature of the preceding argument has been that public deliberation entrusts decision making to individual participants who later persuade each other of what constitutes good policy. This puts emphasis on civil participation which is not homogenous but heterogeneous, with little consideration of the minority view. It is against the backdrop of deliberative and bureaucratic democracy decision making models that a pluralistic approach will be outlined to ensure popular participation, political accountability and democratisation of decision-making. The purpose is to create a strong social connectedness. This can be brought about by bringing the creative energies of the people into the decision-making processes of government. As stated by
Chatterjee (2004:22), citizen participation offers a means of achieving a more substantive quality, but only by ensuring adequate representation for the underprivileged groups with the body politic. In this way a balance has to be struck between democracy as the adherence to a set of procedures required to cope with plurality and, on the other hand, democracy as the adherence to values which inform a particular mode of coexistence (Mouffe 2000:103).

Contrary to the above notion, pluralist democracy is an all encompassing system which allows individuals to form themselves into cultural communities within an institution and maintain their foreign and independent ways of conducting themselves, though such groups do not have coercive authority over their members, nor do they have members in the same way that states have citizens (Walzer et al. 1982:13-16). As stated by Nino (1996:165): “pluralism seeks a democratic system in which nobody is allowed to speak for the whole people”. Civil society has divergent interests and is antithetical to the state, though the role of the state is to reconcile those divergent interests. In essence, civil society puts the checks and balances on the state (Macey, 2000:63). Fundamentally, popular will is dispersed through different bodies to avoid tyranny. However, Nino (1996:167) states that pluralism creates a highly passive government and dispersion of sovereignty makes it extremely difficult for the democratic government to take that control away from such fractions. Robert A. Dahl has been one of the influential scholars on pluralist democracy. In his work, *Dilemmas of pluralist democracy*, he argues that though independent organizations are highly desirable in a democracy and are necessary to the functioning of the democratic process, their independence or autonomy creates an opportunity to do harm (Dahl, 1982:1). He
argues that such “organizations may use the opportunity to increase or perpetuate injustice rather than reduce it, to foster the narrow egoism of their members at the expense of concerns for a broader public good, and even weaken or destroy democracy itself.”

Furthermore, Dahl (1982:40-47) indicates that independent organizations are implicated in four challenges of democratic pluralism: first, they may help to stabilize political injustices since the organized are more influential than an equivalent number of unorganized citizens, second, they deform civic consciousness by providing a platform for the formation of new organizations due to a plurality of interests, third, they distort the public agenda by ensuring that officials seriously consider alternative policies which they might have overlooked, and fourth, they exercise final control over the agenda through their mobilizations against public policies that they deem unjust. Ostensibly, adopting a pluralistic approach with inclusive decentralization will invariably create a conflation between the state and various constituencies involved in governance. However, in a pluralistic society, democratic participation does bring group members into the political arena and encourages them to discover common interests. The state officials through inclusive decentralization will provide a framework within which groups can flourish by organizing themselves to access government resources through a structured arrangement. This model entails decentralizing the system so that government activities can respond to the preferences of diverse groups and thus ensuring that a system cannot be taken over and monopolized by any one group (Bish, 1983: iv). Establishing a structural arrangement in terms of inclusive decentralisation encourages various stakeholders to partake in decision making and will essentially
promote local self-government which can provide for diversity and create a network of institutions through which citizens become familiar and responsible for government processes. According to Craig (1989:20-21), in a pluralist democracy, it is imperative to foster participation in decisions to a greater extent and this can be done by encouraging participation of interest groups in the form of direct input from the bottom up. This can help decision making to be more directly democratic. Craig (1989:21) further argues that pluralists may advocate for more formal participatory rights in order that a wider variety of groups can actively become involved in the administrative process. Invariably, this will counteract the corporatist tendencies within the modern state where a dominant group has an “exclusive” representational status within a public body (Craig, 1989:21). In essence, this model reflects contemporary democratic tendencies based on the principle of cooperative governance. According to Bevir (2007:532), “governance starts with pluralism, the pluralistic society is the starting point”. This complements the ideals and principles of cooperative governance which audaciously requires inclusivity, cooperation, checks and balances and this can only be possible through inclusive decentralization. Such checks and balances will preserve freedom and prevent power monopolies. As a matter of principle, the actual decisions in the real world of good governance, are supposed to be made in the context of interdependencies which require an extensive network. This view is supported by Blair (2000:23) that: “development strategy lies in its promise to include people from all walks of life in community decision making”. As a result, government agencies do not escape interdependencies; they often do need cooperation from non-governmental actors (Bevir, 2007:532).
The pluralistic approach is not a mere procedural activity of electing leaders into office but also an opportunity for citizens to partake in democratic processes. This approach advocates the creation of local structures which interface civil society and the state to enable a co-decision making environment. The shortcoming of pluralistic democracy is that it promotes and fosters a culture of closed decision making and subordination to unaccountable leadership and creates the basis for a radical new type of political space. For pluralist democracy to survive, it requires a certain amount of consensus and allegiance to the values that constitute ethical and political principles, though one cannot rule out the fact that it leads to conflict and has a potential for instability. The pluralistic democracy approach in decision making has a direct link with policy making at local level (Joyce et al, 1988:7). It is therefore the prerogative and sole responsibility of the democratic institution to manage such conflict. In general, such conflict normally ensues from the diverse conceptions of citizenship that correspond to the different interpretations of procedural rule advocated by public interests.

It is worth noting that modern democracy is inherently conflict generating in nature and consensus exists as a temporary result of stabilization of power and that it always entails some form of exclusion (Mouffe, 2000:105). She further emphasizes that: "To make room for dissent and to foster the institutions in which it can be manifested is vital for a pluralist democracy, and one should abandon the very idea that there could ever be a time in which it would cease to be necessary because the society is now well ordered". The proponents of pluralistic democracy state that, it is difficult to strike a balance between democracy as the adherence to a set of procedures, and democracy as the adherence to values which inform a particular mode of coexistence. Therefore,
attempts to promote one over the other run the risk of destroying this new form of cooperative governance. Mouffe (2000:103) contends that modern democracy should recognize and legitimize conflict and should not be suppressed by imposing an authoritarian order. The fundamental principle of this approach is to reflect a plurality of views in local government and this can be attained through inclusive decentralization.

It is argued that synergistic relationships between the state and civil society in local governance can create new associational incentives and spaces (Mitlin, 2004:4). In most instances such a state of affairs results in the increase of protests from civil society due to non-consultation in decision making by the authorities. Though the advantage of this approach is that it allows a continuous and dynamic process of learning, and bridges knowledge and authority gaps between technocratic expertise and local residents (Hordijk, 2005:220-221). A pluralistic democracy approach may be used to forge unity in diverse societies such as South Africa where uneven development has created a stratified society along the lines of race, class and gender. The purpose is to enrich the lives of citizens and empower them in different ways. It widens the scope of social and political participation, it enables people to express what they value, demand that attention, provides citizens with a platform to discuss, debate, and exchange views in the public sphere.

The major shortcoming of pluralist democracy is that, when a particular independent group is accorded a privileged representative status within the government to represent the interests of other less powerful groups, the privileged status accorded to the dominant group carries a “price” because such a group might be manipulated by the authorities (Craig, 1989:18). Though pluralism is equally relevant for South African local
government, there is empirical evidence that pluralistic societies face difficult problems in governing themselves because it is hard to get agreement on policies. Notwithstanding the above positive attributes of pluralism, a sound warning has been given by Macpherson (1977:43) that in certain instances those who advocate for pluralism are: “inherently self-interested conflicting individuals who are assumed to be infinite desirers of their own private benefits”. Inclusive decentralization has a potential for the emergence of new populist parties or individuals who tend to compete with the state for their selfish interests. In a pluralistic society, the state might slip from their political grasp and shift to divergent groups which are capable of using the state for retributive ends. In a pluralist democracy, public agencies often operate as interest groups in their own right and this creates tensions between agencies and a further critique is that political executives have a tendency to play a dominant role in the agenda-setting process and this weakens the extent of negotiation between interest groups and can result in arrogance and manipulation of the system by the politicians (Macpherson, 1977:43-45). As a result the pluralist society finds it difficult to govern because they cannot reach agreements on policies.

Mitlin (2004: 5-7) further argues that the attractiveness of cooperative governance is reflected in the multiple perspectives on its value to development, which perspectives are: the connection between civic involvement and economic growth, to ensure that government is more inclusive and participatory, the emergence of civil society groups which offers a grassroots challenge to existing government processes and campaigning for greater involvement and inclusion. For that reason, inclusive decentralisation is ideal for the above to take place. Authors such as Uphoff (1986: 76) stress the significant
benefits of inclusive decentralisation, which are: It serves to fragment and disperse political power and maintain a system of checks and balances with regard to the exercise of governmental power. The capacity for innovative and flexible change can be enhanced at the local level and local decision choices are viewed as democratic in contrast to central top-down decision processes. He also emphasizes that if local institutions are made responsible for decisions and operations, they can benefit from having some oversight from higher levels, which can serve to reduce local temptation for misusing positions of trust and hence inclusive decentralization does not imply complete abandonment of responsibility to local institutions.

The transformation of local government requires a creative cooperative governance approach, which allows maximum participation in democratic governance. This creative theory is centred on the local self governance of people which is pivotal to democracy. Inclusive decentralisation engenders the principles of the South African constitution which advocates for participatory democracy and bottom-up processes starting from local structures such as ward committees to address the basic needs of the communities. This form of decentralisation ensures that civil society organizations and interest groups are directly involved in decision making process.

In essence such local arrangements can bridge the gap between the state as the custodian of values and civil society organizations which represent the welfare of the different communities. It must be noted that getting institutions right is increasingly recognized as a key element in any developmental strategy to ensure maximum participation at a local level. A decentralised decision-making process at the local level is usually associated with participatory politics and is based on a bottom-up approach.
which is based on popular elections of political representatives. Decentralisation always originates from the centre, if there is no centre there would be no decentralisation. This kind of participatory cooperative governance should be the cornerstone of local government development which allows citizens to optimally utilize their human potential.

As stipulated in Section 195 (1) of the Constitution of the Republic of South Africa 1996, public administration must be developmental-oriented, hence it is legally required that local and provincial authorities formulate comprehensive developmental plans and budgets in a participatory manner. In general, municipalities chose not to consult their inhabitants (and this is contrary to pluralism) about what they want. This results in violent municipal protests. Most of these violent protests are issue-driven as opposed to policy driven. Though the constitution is a very powerful pointer to where we want to go, more often than not, municipalities do not follow constitutional prescripts. Decentralised participatory democracy is about what the people want, not what the leaders think people want.

It is in view of the above that one illustrates the relationship between cooperative governance and inclusive decentralisation. In this context, cooperative governance entails the cooperation of the state with civil society organizations, government departments and other intergovernmental actors. There is a linkage between the two, as decentralization enhances public participation in the administration of politics. Decentralisation has become an essential political agenda to provide opportunities for people at the local level to be involved in determining their economic and political choices. For this reason, Reddy (1999:21) states that decentralisation possesses two qualities: it is the most efficient method of policy formulation and execution of local
projects and facilitates the combining of and cooperation between the official machinery of administration and non-official leadership and control. Such participation constitutes part of the democratic process because it empowers communities to influence public policies. It is worth noting that the direct linkage between cooperative governance and inclusive decentralisation is often emphasized because the decentralised structures offer the people greater avenues for participation and opportunities to subject public officials to popular control and accountability.

The significance of the above concession is best appreciated when viewed against the backdrop that cooperative governance has become a pressing issue for the world’s citizens. Notably, there have been a significant number of people’s movements demanding systemic changes in government which is a shift from politically repressive regimes to those that offered multi-party democracy. There are those, on the other hand, who argue that there is a growing trend among special interest groups who seek involvement in decision-making in areas of concern although many have little interest in participating in party-based politics. One of the key proponents of this assertion is Mitlin (2004:4). He argues that the challenge of the modern democracy is the construction of new relationships between citizens and governments, particularly at local government level.

Needless to say that, rather than government taking decisions in isolation, there is growing expectation of an engaged state negotiating its policies and practices with those who are affected by its decisions. Therefore, governments that seek to strengthen local decision-making may also see advantages in encouraging links between local governments (which may lack capacity) and other local organizations that share a
development agenda. To advance towards a participatory society, government should emphasize the need to introduce mechanisms to encourage the involvement of those who do not find it easy to participate in state structures and processes because they are generally far removed from the corridors of power. Such groups are likely to face many forms of discrimination, including those based on gender, ethnicity and often simply poverty, when they try to engage with state agencies. However, there are many participatory projects that involve citizens and local governments in localized decision-making but do not fall in the ambit of participatory governance which requires consultations and negotiations between two or more parties.

The strong point of this model is inclusivity in terms of decision making. The fore-going has a particular relevance in this study as the researcher intends to ameliorate and modify the above notion by Zwede and Pausewang with regards to inclusive decentralisation to be an innovative intervention model which engenders the principles of cooperative governance. The preceding discussion suggests that inclusive decentralisation is the shifting of power from central bodies to a multitude of autonomous bodies concerned with the formulation and application of policy at the local level. For this reason, Reddy (1999:27) suggests that the issues of cooperative governance must be taken into consideration to ensure effective decentralisation.

2.3 CONCLUDING REMARKS

In the preceding discussion, a review of political and inclusive decentralisation as a form of democratic governance was presented. At a policy level there is empirical evidence of the results of the absence of decentralised cooperative governance in South Africa
local government post-1994, and this can be briefly summarized as follows:

The abandonment of the reconstruction and development programme (RDP) in favour of the neo-liberal strategy of growth-led development (GEAR- Growth, Employment and Redistribution) has curtailed the involvement of civil society in influencing policy (Heller, 2001:145). A classical example is the Johannesburg (IGoli-2002) development strategy which was a sheer top-down technocratic reform. Though consultations were held with civil society, the unions and SANCO (South African National Civil Organizations) withdrew in protest over the municipality’s unilateral decision to privatize a wide range of public services. This led to complete disengagement between local government and community structures such as SANCO. Local development forums fell into disuse, and local government officials rarely consulted with civic organizations. Even though it is a pre-requisite that an inclusive process with community structures be adopted when developing integrated Development Plans (IDPs), this was disregarded by certain local councils in the Durban metropolitan council who preferred to hire highly paid private companies to developed IDP documents. In essence IDP’s were prescriptive and state led. There was no room for creativity, input or innovation from community structures. This was also exacerbated by the government embarking on outsourcing and privatization of services. For example, the outsourcing of water delivery to private consortia proved to be much more expensive than working through government agencies.

It is worth noting that the political environment determines whether co-operative governance will prevail. For example an ANC-controlled province will practice co-operative governance in a particular way, whereas the Western Cape lead by another
party might give a different interpretation to co-operative governance (Humpries and de Villiers, 1996:21): To further substantiate the paradoxes and contradictions prevailing in cooperative governance in South Africa, the following example should be noted: the provincial housing department of the Western Cape laid a charge against the City of Cape Town ward councilor for inciting Belhar backyard dwellers to illegally occupy the houses at Delft South which were not intended for them, but because of a lack of cooperation between the two spheres of government, contradictions occurred at the policy implementation level.

According to the Human development report (2006: 64), the following policy issues have failed as a result of a lack of cooperative governance: access to water and sanitation has been one of the defining racial divides in apartheid South Africa, though the post-Apartheid government has established legislative frameworks and public policies aimed at extending these services to local communities and reducing inequalities. A typical example is the disjuncture between the provision of water and sanitation which are supposed to go hand in hand. The national government has used its regulatory powers to require all municipalities to provide a basic minimum of 25 litres of water free of charge to each household and the target was to achieve free basic water for all by 2008, with no household more than 200 metres from a water source. In sharp contrast, progress in sanitation has been less impressive than in water. The human development report (2006:64) reveals the following: “there are still 16 million people – one in three South Africans – without basic sanitation.” This state of affairs can be attributed to a lack of cooperative governance and consensus amongst the key departments.
(Department of Water Affairs and Forestry and Department of Local government) which are tasked with the responsibility of providing water and sanitation respectively.

Civil societies can remain critically engaged with political issues by means of a process which Perlas (2000:141) describe as institutionalization: “the social process whereby values are developed and articulated in the political affairs in decision making through the establishment of structural platforms at the local level. Its power to change things depends on how well it can "institutionalize" its meaning and values within the government”. Civil society considers its task to be to advocate on human rights and other political issues. This stems from a critique that the state is not doing its task properly, and that the state cannot always be the arbiter of values. Such civic society organizations and movements do not view themselves as political and economic institutions, but as rather part of a "third sector" clearly differentiated from the state. Their tasks is to defend and expand the interests of the organizations and this task often takes the form of criticism, rejection of institutions, demonstrations, boycotts and other similar forms of deconstruction of state elite institutions and programmes.

It is also the role of civil society to create constructive initiatives in pursuit of comprehensive and broad-based sustainable development. However, Perlas (2000:86-88) further cautions about the erosion of civil societies and cites the South African Civil society (SANCO). According to Perlas (2000:88), President Nelson Mandela of South Africa rose to power on the basis of extensive support from civil society but due to the lack of understanding of the nature of the civil society formations that brought him to power, he absorbed many former leaders of these formations into his government. However, the Congress of South African Trade Unions (COSATU) still continues to act
more consistently against the government, potentially rallying social movements in a
broader effort at fundamental social transformation and reversing policies which have
had the effect of weakening and marginalizing the whole of civil society steadily since
1994. A classic example is the Growth and the Economic and Redistribution (GEAR)
(Perlas, 2000:86-88). There is a dire need for a nationally coordinated civil society
formation to pull together, rebuild itself and speak with one voice. These, are the
ingredients and components of cooperative governance which the research is
suggesting as an alternative model in the following discussion.
CHAPTER 3
TOWARDS AN ALTERNATIVE THEORY OF COOPERATIVE GOVERNANCE
IN SOUTH AFRICA

INTRODUCTION

Chapter 2 explored the theoretical framework of decentralised cooperative governance within the context of the decision making process at local municipal level and linked together the different conceptual intricacies that inform the cooperative governance model. This chapter illustrates how the notion of cooperative governance in local government complements the principle of inclusive decentralisation. This introduces a paradigm shift which engenders inclusivity as opposed to the present municipal model in South Africa where the state is perceived as setting conditions of development, denying autonomy and localism. Clearly, the continued fragmented approach by these key role-players undermines institutional coherence in local government. What makes cooperative governance at local level critical is that for the first time in the history of local government in South Africa, the poor, through civil society, will be involved with the councilors and officials in making decisions about their economic development and in improving service delivery.

Of particularly relevance in this discussion is the fact that the envisaged creative model of cooperative governance hinges on two pillars: localization and local knowledge. According to Bevir (2007:535) localization is based on centre-local relation, and this blends well with inclusive decentralisation as a strategy for achieving greater localization of governance and participation in political decision making in communities.
In this context inclusive decentralisation pertains to representations and empowerment of civil society in planning, budgeting and decision making. On the other hand, local knowledge refers to indigenous people’s knowledge of their own circumstances and lived experiences. It must be noted that local knowledge of civil society and “expert” knowledge from technocrats or professionals are woven together and this is precisely what the creative model of local cooperative governance intends to achieve. Integrally linked to the question of cooperative governance is that local knowledge and logic of appropriateness are critical in decision making and planning (Bevir, 2007:538).

A more challenging manifestation in this study is also to create a synergy between political decentralisation which is a common traditional approach in South African local government and the inclusive decentralisation model which embraces cooperative governance principles. Inclusive decentralisation interlinks with the principles of public deliberations and pluralistic approaches which focus on building networks and interdependencies with non-governmental actors.

The continued survival of cooperative governance at local level will promote and foster popular participation. It is worth noting that the political environment is the determining factor for co-operative governance. Mathebula and Malan (2002:6) contend that the constitutional and institutional frameworks have been created to promote co-operative and inter-governmental relations, as well as to encourage co-operation between the three spheres of government in South Africa rather than to create antagonistic relationships, and this is underpinned by section chapter 3, section 41 of the South African Constitution Act 108 of 1996. Local government is at the coalface of service delivery; hence it is expected to give leadership in the process of delivering services to
the public. In a democratic state, public office-bearers are accountable for their
decisions and actions to the public and must submit themselves to whatever scrutiny
the public may deem fit in relation to their office. Basically, public accountability is
construed to mean the obligation on the part of the government to account to the public
for any action taken. Therefore, through inclusive decentralisation, people will be
allowed to influence decisions especially those decisions that directly affect their own
lives and this can take many different forms in consultation processes with community
development organization initiatives. Citizens can also monitor government's
performance, demand transparency, and hold officials accountable. In the subsequent
section, the proposed model of cooperative governance will be presented.

3.1 INCLUSIVE DECENTRALISATION AS MEANS TO ACHIEVE COOPERATIVE
GOVERNANCE

The study seeks to bring about a paradigm shift in the local government decision
making process, and contribute to the new body of knowledge of inclusive
decentralisation as a means to achieve cooperative governance. Presently, the
executive mayor and mayoral committee members are bestowed with decision making
powers. This model instead, establishes a conventional model of governance where
power is devolved to the local level in the council, a move away from having powers
centralised to the executive and the mayoral committee. The critical point here is that
decision making in the South African municipalities is conflated and condensed into a
higher structure (executive mayor and mayoral committees) which weakens the lower
structures such as ward committees and sub councils and inescapably allows these
structures to abuse their power. In this study, the ward committees and sub councils are
regarded as the local structures in the municipality and these concepts will be used interchangeably.

Significantly, the inclusive decentralisation model aims at transferring real authority and responsibility to the ward committees and sub councils since they are strategically located at the local level in the municipalities. Ward committees and sub councils should form the cornerstones of such development. It is proposed that the state design a mechanism or structure that enables its councilors and officials to work closely with the local people in local units. This entails putting in place a structural arrangement that will enable the local people, through their civil society organizations, to be involved or have a strong influence on decision making. The cardinal features of this model are: firstly, this process must follow a bottom up approach in decision making; secondly, a local structural arrangement should be established which is inclusive of broader constituencies such civil society (ratepayers associations, women, youth, business sector, urban poor and the marginalized) councilors and officials in decision making; thirdly, a legislative prescript should be developed to ensure adherence and compliance by the municipalities.

The proposed inclusive decentralisation model is illustrated in Figure 1. By virtue of ward committees and sub councils being closer to the people, these could be ideal structures to ensure that cooperative governance is attained and to give these constituencies representation which is a key element in capacitating and empowering communities. Bevir (2010, 95-96) argues in similar terms and had a similar influence on the theory of democratic governance. He asserts that accountability and checks on executive power is the key in a democracy and he puts greater emphasis on
establishing networks, partnerships and joined-up governance. Inclusive decentralisation should be legislated and have mandatory enforcement to ensure that the elements of cooperative governance are adhered to such as: Imbizo’s (road show meetings by decision makers), consultative forums, and sub councils or ward committees used as platforms for decision making.

This will be a major shift from the current traditional system which engenders political decentralisation. In retrospect, it is the tradition of the municipalities to follow a political decentralisation approach which results in certain enthusiastic and devoted constituencies blindly trusting their political leaders. As reflected in Chapter 2, this unchanging conventionalized idea of embracing limited participation is devoid of the crucial elements of cooperative governance and detrimental to inclusive decentralisation. Parties move away from the average citizen, mistrust becomes apparent. In general, trust in government is related to partnership with key stakeholders; the more accessible the government to its citizen, the more likely one is to trust the government. The process of entrenching democracy in ward committees or sub councils is vital. Community interaction with councillors and officials should be fostered.

The inclusive decentralisation approach ensures that power and authority are not limited to elected politicians or representatives but include the local communities. Conversely in political decentralisation, institutions are controlled by politicians whereas in inclusive decentralisation, decision making is engendered by all key role-players to ensure broader representation in decision making. This creative cooperative governance model aims to bring a transcendent culture of inclusivity and participation, and become an alternative to the bureaucratic top down non participatory approach which has
characterised the South African local government. Making government accessible and giving community groups an active part in governance through a substantive agenda of inclusion are the cardinal features of cooperative governance embedded in an inclusive decentralised system.

For inclusive decentralisation to be effective the principles of cooperative governance such as mutual trust, cooperation, respect, consultation and inclusivity must be institutionalized by all structures in local government. It is a time for an unprecedented paradigm shift to an inter-linkage between civil society, municipal councilors and officials to converge at the local level in order to achieve cooperative governance. In this modern, functioning democracy, it is necessary that these key role-players enhance their synergies and complementariness through cooperative governance.

Such a configurative model embraces and brings together all the relevant and significant role-players at local government level. This is in stark contrast to the current narrow approach of the South African public administration which confines cooperative governance to inter-governmental departments and different spheres of government to the exclusion of civil society organizations. Basically, this is not only for interdepartmental entities but includes civil society organizations in the main stream of decision making. On the whole the partnership and inter linkage between civil society, councilors and officials will create a fundamental platform for collective decision making and leadership at local level.
However, it is important to consider that there is a close relationship between political decentralisation (traditional approach) and the proposed inclusive decentralisation. Furthermore, weaving together these two forms of decentralisation could strengthen local democracy. Therefore this nexus between political and inclusive decentralisation poses the challenge that municipalities prioritize the process of achieving democratic participation which will enable inclusiveness in decision making and hold public authorities accountable. Decision makers will be able to produce policies in line with what they perceive to be public opinion. The overarching contestation of this proposed model is that the political and inclusive decentralisation approaches to decision making are the point at which the concept of local governance becomes problematic in the current municipal dispensation; hence it is imperative to synergize these approaches in the event that one is favoured instead of the other.
In addition, the current local government decision making system which is directed towards political decentralisation and driven by the political parties with minimal participation from civil societies and other key role-players defeats the principles of cooperative governance. By introducing inclusive decentralisation to operate in juxtaposition to political decentralisation so that they complement each other, a symmetric relationship between the two can exists which strategically brings stability. It is envisaged that a balancing force of the growing tension between civil society, municipal councillors, officials and will emerge. Further, bridging the gap between both forms of decentralisation will overcome the concerns that municipal councilors and officials will talk to one another and disregard communities in matters that affect them directly, and the notion that communities are not given a space to voice their concerns. Notably, political decentralisation discourages and hinders equal participation among different role players.

A symmetric model will strike a balance between political parties (political decentralisation) which are traditionally known to be driving decision making in local government and civil society, which will participate in decision making (inclusive decentralisation) through an institutionalized process that compels municipalities to ensure that civil society is involved in the processes at the ward committee or sub council level. In Chapter 2 Macey’s gives a purely structural definition of civil society as “a human activity that is outside or apart from the structures of state and government in which free individuals form voluntary associations and establish pluralistic relations based upon affinities and common interests rather than coercion”. The study modifies this definition by encouraging government and municipal authorities to empower civil
society to participate in the formal political process. Darcy (2005:313) asserts that civil societies should always use informal, decentralised network structures instead of formal structures if they want to have a voice and influence decisions. Further, Darcy (2005:316) contends that: “direct participation in all important decisions or indirectly through election of representatives- as well as structural protections for the minority and checks on the power of the representatives”, is very important. Michels (1962:88) opines that: “in the mass….there is an immense need for direction and guidance”, as a result there is over reliance on bureaucratic leaders hence Darcy (2005:313) in support of Michels’s view regards this as “incompetence of the masses” which leads to a “rational-bureaucratic structure automatically concentrating power in the hands of a professional leadership, conferring upon them a monopoly of skills, knowledge, and resources”. Inasmuch as the study advocates inclusivity, it is crucial that the civil societies should maintain their “voluntary association” and “autonomy” when they engage in state activities in order not to lose their relevance and independence.

Ostensibly, when civil societies lose their autonomy, oligarchy prevails and according to Darcy (2005:317) this means the “rule of the few”. Michels (1962:68) cautions that when interests groups such as trade unions and this context civil society organizations are absorbed by bureaucracy, they “cannot long maintain their existence if they persist in entrusting the management of their affairs to persons drawn from the rank and file”. He makes reference to the unions that were controlled by employers as a result they lost their identity and relevance. Therefore, conniving with organizational bureaucracy implies the tendency to oligarchy (Michel, 1962:69-70).

As indicated in the previous discussion by Macpherson (1977:43), in certain instances
those who advocate for pluralism are: “inherently self-interested conflicting individuals who are assumed to be infinite desirers of their own private benefits”, Macpherson (1977:45) further states that: “Working classes take their interests into their own hands and are perpetually showing that they think the interests of their employers are not identical with their own”. The fore-going is a classical example that civil society needs “to be protected against government” and always maintain their autonomy and independence, whilst they adapt to new innovations (Macpherson, 1977:47).

As reflected in Figure 1 above, political and inclusive decentralisation of power are important models in the promotion of the local decision making process in South Africa. These models are intended to counteract centralisation and disperse power amongst the local role players in local government development.

Institutional confidence and government stability could be achieved through the willingness of the state to accommodate divergent views when taking decisions. Through inclusive decentralisation, municipalities would ensure that crucial resources and capacity at the sub council or ward committee level are made available to avoid and safeguard a disgruntled, dissatisfied, and distrustful populace. However, such resources from government should not weaken and compromise their autonomy and independence; instead they should continue to play their roles as watch dogs. But what are the benefits of this model?

First, inclusive decentralisation model will promote one of the tenets and principles of democracy which is to afford people an opportunity to make decisions that affect their daily lives. Decision making is one of the cornerstones of cooperative governance, and
to achieve cooperative governance, it is vital that structures that operate at the local level be bestowed with decision making powers to expedite service delivery. It is crucial that decision making be transferred from the central level to ward committee/sub council level to ensure that councillors are not left out in the cold when decisions are taken which impact their constituents. The decision making process should be linked with a participative and a consultative process.

A conducive environment should be created at ward committee/sub council level which will include a body to oversee that the decision making process at this level is observed. Ward committees and sub council as the epicentres of service delivery, must be supported in the form of budget and human resources. These resources should be provided to these levels to help them deal with the day to day activities of the council and ensure that all decisions taken at this level are legitimate and are implemented. Of particular importance, factors such as political interference and distrust between civil society and state which hinders decision making at local level should be eliminated. Adequate delegations should be given to sub councils and ward committees so that they can be new vehicles of service delivery. They must not only be given a voice but also power to make decisions. A real dialogue should prevail at local level between key role players around policies and decisions before such policies are executed. Public officials should be aware of the crucial and pertinent role of sub councils or ward committees instead of perceiving them as time consuming. Furthermore, municipalities should broadly engage civil societies and other community representatives at ward committee level to give legitimacy to this local structure. To give impetus to this process, the executive Mayor must drive the process to ensure recognition of ward committees.
This must be placed high on the agenda of the council to ensure that no politician or official bypasses ward committees/sub councils under the pretext that they do not have decision making powers as is currently happening.

In order for South African local government to speak triumphantly in protecting and enhancing representative and participatory democracy, support of the civil society and its interaction with the government should be institutionalized, disadvantaged people and communities should be empowered by shifting power and authority from the executive mayor to local level within a framework of national norms, standards and values. The responsibility should be located to these structures to achieve efficient and effective delivery of services and municipalities must ensure that ethical and professional standards are maintained as well as accountable and transparency.

The second element is cooperation, Mayer cited by Segbers (2007:238) illustrates that governance refers to “social mechanisms that operate across the state, civil society, the economy and that provide for social stability, the welfare of the people, and justice”. Further, Segbers (2007:238) explains that government and governance are not mutually exclusive. In general terms government has the “effect of consolidating political power rather than diffusing it”. In this context, co-operative governance as a form of governance requires co-operation, mutual respect and reciprocity between civil society, the different institutions and spheres of government, and the end-result is a consultative and inclusive culture of decision-making. Such democratic values are the bedrock of a dynamic institution which subscribes to the consultative and inclusive culture of governance.
As indicated in the previous discussion, chapter 3 of the Constitution of the Republic of South Africa, 1996, section 40 and 41, compels local government as the third sphere of government to adhere to the principles of cooperative governance. Notably, the state has a legal obligation to respect, promote, and protect human rights, including the right to political participation and affiliation. Local government in this context also refers to the traditional government model which considers public administration as a unit to be governed using bureaucratic principles and norms. Therefore, the ultimate aim of this model is to embrace the principles of cooperative governance in an inclusive decentralised model.

The fundamental principle of this approach is to reflect a plurality of views in local government. The positive impact of empowered local government cannot be underestimated as it deepens democracy and facilitates a better alignment of the decision making centre with local preferences, and local sources of knowledge and information. Cooperative governance is widely characterized by cooperation between government and private entities in a joint policy formulation and implementation to ensure shared service delivery. Consequently, inclusive decentralisation tends to enhance and harness cooperation.

However, for cooperative governance to be effective, such a loose network of individuals cited above, should transform into formal organized units such as civil society organizations so as to enter into partnership with government. It is for this reason that the concept of cooperative governance conveys the idea that public
decisions are not the sole responsibility of hierarchically organized bureaucrats/technocrats but requires long term relationships among civil society, councilors and technocrats. Hence it can be safely inferred that the process of cooperative governance is a broad extension of networking, trust building, and problem solving. Accordingly, this study focuses not only to cooperative governance among government departments but takes it a step further to include civil society as a stakeholder in municipal governance.

In addition, cooperative governance challenges the conventional wisdom of the top-down approach in decision making which has paralysed local government institutions and negated the ideals and principles of democratic government. To put this into context, cooperative governance is a cardinal feature of local governance and greater emphasis should be placed on it for the decentralisation of power. Inclusivity is a critical element of cooperative governance. In order for cooperative governance to be effective, it is imperative that a synergy be developed between civil society organizations, councilors and technocrats, which will create an enabling environment for co-decision procedures to exist amongst these key role-players.

Significantly for this study, traditional leadership is recognized as a partner in cooperative governance. In terms of the Traditional leadership and governance framework amendment act (No 23 of 2009), the national government and all provincial governments must promote a partnership between municipalities and traditional councils through a legislative framework. This partnership with traditional leaders must be based on the principles of mutual respect and recognition of the status, and roles of the respective parties be based on the principles of cooperative governance. Through
their local house of traditional leaders, the Traditional leadership and governance framework Act (No 41 of 2003), stipulates that the traditional leaders will advise metropolitan municipalities on matters pertaining to customary law, customs, planning and development of by-laws that impact on traditional communities and also participate in local programmes that have rural communities as well as participate in local initiatives that are aimed at monitoring, reviewing or evaluating government programmes in rural communities. It is in the fore-going context that traditional leaders should be considered as a part of civil society organisations in local government and the principles of this model precisely aim at achieving this. Strategically, this will give content to democracy at the local government level and also give effect to one of the founding principles of the constitution, namely that South Africa should have a representative local government.

Fundamentally, inclusive participatory governance will yield positive results, if there is commitment demonstrated by all parties through engaging each other in a dialogue to accommodate divergent views and ensuring that there are checks and balances in place to avoid uneven power sharing. It has become a maxim that the South African Constitution Act 108 of 1996 is one of the most progressive democratic legislations in the world. This must be upheld, and be ardently guarded against all odds. Since technocrats are mere government employees who literally have no constituents, who take orders and instructions from councilors and their constituents, it is imperative that a working relationship be forged with the civil society.

This requires all partners to provide one another with assistance to coordinate their activities and make every effort to avoid legal proceedings against each other. Such partnership will remove the suspicions and even cynicism which ordinary people often
feel towards government such as labeling it as inaccessible, remote from the masses, non-consultative and inconsiderate. Under such circumstances, inclusive decentralisation engendered by cooperative governance might yield greater transparency, accountability, responsiveness, efficiency, equity and opportunity for local participation which is contrary to centralisation. It is therefore in view of the fore-going that local government should move towards a new form of governance which embraces the principle of co-operative governance.

Third, inclusive decentralisation aims at counteracting the strict hierarchy of the decision making process which manifests in most metropolitan municipalities. The peculiarity about the highly centralised power is that it was designed for the executive mayor to control all activities within the council though this defeats the notion that ward committees are closer to the communities and have the capacity to deal with local issues and are accessible to the local community. Instead, sub councils and ward committees have been reduced to “conveyer belts” of the executive mayor with no decision making powers. The shortcoming of centralizing executive power in the mayor is that it is based on a highly pervasive factor of public accountability which requires a clear cut hierarchy so that responsibility for decision making can be fixed. This discourages the active involvement of citizens in the day to day activities, and procedures are envisaged as a complex ensemble of practices. The state has a tendency of denying autonomy and localism of ward committees; as a result, rules are unilaterally created and then applied, disregarding these local structures. Ward committees exist in a defined area; they are able to articulate the needs of that particular ward and are also charged with the function of assessing local needs. So, in
that sense, when it comes to service delivery matters and their implementation, these structures are more convenient for the decentralisation of decision making power. Currently, a heavy burden is placed on the executive mayor, because in most instances, the mayor is inundated with huge agendas and it takes an inordinate amount of time to make decisions. More importance can be attributed to the role played by ward committees as the best local structures for decentralisation of decision making, as they will expedite the processes and ensure that development takes place and service delivery is monitored at the local level.

As already noted, a combination of these principles of cooperative governance enables inclusive decentralisation to thrive. The convergence of civil society, municipal councillors and officials at ward committee level is crucial to improve the working relationship between these key role players. In principle, the overall conditions and set-up at ward committees should augur well for inclusive participation to avoid adversarial relations between communities, politicians and officials. As reflected in Figure 1, if inclusive decentralisation is supported by the principles of cooperative governance it will open channels of participation and change patterns of civic engagement from top down to bottom up decision making, show up the eroded faith in government’s conventional political decentralization which gives power to political parties. In general, if the governed do not have confidence in the government, they will be reluctant to participate and will become apathetic. Invariably, the alienated could mobilize citizens to express their dissatisfaction through civil protests. It is therefore in view of the fore-going discussion that the study proposes the inclusive decentralisation model as a new
mechanism of decision making in local government and this is clearly illustrated in Figure 1.

3.2. SUMMARY

This chapter presented an alternative model of cooperative governance based on inclusive decentralisation. As indicated earlier in this study, co-operative governance requires co-operation, mutual respect and reciprocity among civil society, the different institutions and spheres of government, this will result in the consultative and inclusive culture of decision-making (Humphries and de Villiers, 1996: 23). The guiding principle of this study is to bring innovative ways which municipalities can introduce to ensure inclusivity. In addition, for co-operative governance to work it needs an enabling environment which ought to be created by the spheres of government and underpinned by political will. As highlighted by Grindle (2000:11) inclusive decentralisation improves equity and efficiency in government. This is crucial, especially after the previous Apartheid local government in South Africa which was marred by fragmentation, dysfunction and inaccessibility to the local communities.

The existing theories of decision making process such as the bureaucratic, public deliberation and pluralistic theories have been fused together and developed into a creative cooperative governance model based on inclusive decentralisation approaches.

The fore-going is further emphasized by the Presidential Review Commission (1998: XVI) which recommended a new culture of governance to help amongst others: “to protect and enhance representative and participatory democracy, to support civil society
and its interaction with the government, to promote economic and social development and the advancement and empowerment of disadvantaged people and communities, to shift power and authority from central government to provincial and local government, within a framework of national norms, standards and values, to locate responsibility for achieving efficient and effective delivery of services to the lowest possible level... to secure accountable and transparent stewardship of public resources and to reward achievement, acknowledge failure and give redress to grievances”.

According to Bevir (2007:533), due to new public management ideas which have been adopted, institutional reforms, new layers of government that have been created, it is imperative for democratic governments to embrace the principles of local cooperative governance. Further, Bevir (2007:533) assert that cooperative governance is premised on the following features: there is a trend to govern in new networks which seems to compensate for the vacuum left by the state in certain areas, and local networks build capacity and trust to deal with issues in their communities. The shift to inclusive decentralization poses a tremendous challenge of local representation which is the key element of empowerment and addresses the shortcomings of political decentralisation. Historically, democratic legitimacy is vested in elected politicians who are the main policy makers whereas the inclusive decentralisation model brings about a paradigm shift which encourages the broader participation of all sorts of constituencies and local accountability. However, according to Bevir (2007:534), local governance models tend to have their own way of safeguarding democratic legitimacy by trying to keep in close contact with democratic representatives and address citizens first as voters not as mere consumers of local services.
On the whole, contemporary governments are often criticized for not being effective or efficient in local development; therefore the continued survival of inclusive decentralisation at local level will promote and foster local development through popular participation. As emphasized by Laclau and Mouffe (1985:185), democracy should be plural so as to adapt to the social spaces in question. Direct democracy cannot be the only organizational form; therefore it is necessary to broaden the domain of the exercise of democratic rights beyond the limited field of citizenship. However, an all-inclusive process of decentralised cooperative governance will not solve all the problems associated with bureaucratic non-participation of civil society and other social formations unless there is a commitment from the municipalities to enforce broader participation in decision making. In the modern world, no country can afford the bureaucratic stagnation which characterized South Africa before the 1994 elections. This new turn in public administration will give a practical meaning to Chapter 3 of the South African Constitution Act 108 of 1996 and cooperative governance will no longer be a mere philosophical concept.
CHAPTER 4

METROPOLITAN MUNICIPALITIES: A DISCOURSE OF GOVERNANCE IN POST-APARTHEID SOUTH AFRICA: CASE STUDIES

4.1 INTRODUCTION

The demise of apartheid in 1994 heralded a new approach to local government. This brought about a tremendous change in South African local government, most notably the introduction of metropolitan municipalities. These municipalities are the economic hubs in urban areas and this is why their manner of governance is the focus of this study. This case study of the South African metropolitan municipalities reveals the complexities and diversities confronting local government. It also reveals the rigidity of decision making powers in relation to the lower level structures such as the ward and sub councils. According to Beauregard and Tomlison (cited by Segbers, 2007:237), the transformation from an “apartheid to a post-apartheid regime resulted in a series of administrative transitions aimed at merging previously existing white local authorities with black townships with the overarching goal of one city, one tax base”.

In the following discussion, the historical background of the development of the metropolitan municipalities and the prevailing conditions for decision making with reference to the six case studies will be presented. The following metropolitan municipalities will be discussed as case studies: the City of Cape Town, the Ekurhuleni Municipality, the EThekwini Municipality, the City of Johannesburg, the City of Tshwane, and the Nelson Mandela Bay metropolitan municipalities. The empirical evidence of the six South African metropolitan municipalities will be outlined against the backdrop of
cooperative governance and decentralisation of power at the local level. The chapter presents the second theme of the study which is the scope of the decision making process at local level and its inclusivity. The main sources of these data were texts, reports, documents and newsletters from the respective municipalities and interviews with councilors and senior managers. An overview of the how these municipalities evolved in relation to the general decision making theory in local government will be outlined. This examines the six metropolitan municipalities in the areas of the self administration exercise, democratic self governance, accountability, responsiveness to local issues and the representation of these structures. The chapter proceeds by reviewing some of the existing literature on the metropolitan municipalities with regard to their history, governance, economic and political development.

In essence this chapter seeks to contextualize, and pose a crucial question of linkages between institutional decision making models such as ward committees or sub councils and the basic principles of cooperative governance in South Africa such as communication and mutual trust. This chapter focuses on the main features of a metropolitan municipality as outlined in the Local Government Municipal structures Act N0 117 of 1998. This will also reflect the current features of the council structures. The purpose of this chapter is to outline how municipalities adhere to a certain form of procedure in conducting their affairs. These procedures entail following a hierarchy in decision making with no discretion to deviate from the norm. For uniformity in procedure, the South African municipalities have similar structures such as the full council, executive committees (Mayoral or Portfolio committees), Executive Mayors, sub councils, ward committees and ward forums. These structures will be discussed in
relation to decision making and how they impede or expedite service delivery.

4.2 HISTORICAL BACKGROUND

In order to understand the present context under which the South African metropolitan municipalities are operating, it is important to put it into a historical perspective to enable decision makers and policy implementers to draw meanings and comparisons from the previous municipal dispensation. This is discussed against the backdrop of pre-1994 municipalities which adopted a non-participatory Westminster system of local government.

During the 1993 constitutional negotiations of the Local Government Negotiation Forum, the then National Party (NP) government outrightly supported and promoted the concept of weak metropolitan municipalities and strong primary local authorities (Cameron, 2000:156). Their main fear was that strong metropolitan municipalities with extensive powers and functions could be controlled by the African National Congress (ANC) which could also adopt policies unfavourable to white suburbanites, such as extensive taxation and construction of low-income houses adjacent affluent areas which may be unacceptable to the white population (Cameron, 2000:156). However, this was rejected by the ANC. The ANC policy document of May 1992 cited by Cameron (2000:156) gave the following reasons:

“The key issues facing our cities are disparities in service provision, rapid urban growth, the housing crisis and inefficient apartheid city structure cannot be effectively addressed by lower-tier authorities, whose focus is too small. The ANC believes that a metropolitan tier would be an appropriate tier to add to
address these issues. This tier will control the primary sources of urban finance, and will be responsible for allocating funds for development and services. It will co-ordinate the provision of city-wide service and allows democratic control over broader development decisions. It will set the policy framework for the metropolitan area, within which the lower tier(s) will operate”.

In 1994, with the onset of democracy, the South African constitution established three categories of municipalities: Category A, B, and C. Municipalities that are single-tiered are called Category A metropolitan municipalities and currently there are six of them across the country: the City of Cape Town, EThekwini (Durban), Ekurhuleni (East Rand), Johannesburg, Nelson Mandela (Port Elizabeth), and Tshwane (Pretoria). The rational for establishing these municipalities according to De Visser (2005:74) was that “metropolitan urban governance requires an institutional set-up that is entirely different from municipal governance in smaller cities and rural areas and this was compounded by the necessity to facilitate city-wide development, infrastructure planning and redistribution of resources within these large cities” (De Visser, 2005:74).

De Visser (2005:74) states that: Category B municipalities are those that share their authority with category C district municipalities. The rest of the country is divided up into category B municipalities. It is worth noting that the demarcation of municipalities prior to the first democratic elections in 1994 produced 242 local municipalities grouped together to form 46 district municipalities (De Visser, 2005:75). However, it remained the prerogative of national government to establish an appropriate division of powers and functions between the district municipality and its local municipalities. These three categories are self-standing municipalities that form part of a comprehensive co-
ordinating structure, and perform co-ordinating functions. In essence, there are basically two broad forms of municipal governance, namely metropolitan, single-tiered municipal governance and two-tiered municipal governance which comprises of a combination of district and local municipalities (De Visser, 2005:75). In this study, only the metropolitan municipalities will be discussed. Significantly, the Local government Municipal Structures Act makes provision for sub councils and ward committees. Sub councils can get delegated powers from councils whereas ward committees have advisory powers and according to Robert Cameron (cited by Hadenius, 2003:114), these structures are intended to be vehicles for local participation and democracy. Only metropolitan municipalities are entitled to have sub councils while both metropolitan municipalities and category B municipalities can have ward committees.

Currently, the City of Cape Town is the only metropolitan municipality that has sub councils with delegated powers while other metropolitan municipalities have ward committees and all are ANC-led municipalities. The Local government Municipal Systems Act No. 32 of 2000 further stipulates the core principles, mechanisms and processes that are necessary to enable municipalities to move progressively towards the social and economic upliftment of local communities. These are: to ensure universal access to essential services that are affordable to all, to define the legal nature of a municipality as including the local community within the municipal area, to work in partnership with the municipality’s political and administrative structures, to provide for the manner in which municipal powers and functions are exercised and performed to provide for community participation, to establish a simple and enabling framework for the core processes of planning, performance management, resource mobilization and
organisational change which underpin the notion of development local government, to provide a framework for local public administration and human resource development, to empower the poor and ensure that municipalities put in place tariffs and credit control policies that take their needs into account by providing a framework for the provision of services, service delivery agreements and municipal service, districts; to provide for credit control and debt collection; to establish a framework for support, monitoring and standard setting by other spheres of government in order to progressively build local government into an efficient, frontline development agency capable of integrating the activities of all spheres of government for the overall social and economic upliftment of communities in harmony with their local environment, to provide for legal matters pertaining to local government.

In terms of Local government Municipal systems act (No. 32 of 2000), a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose encourage, and create conditions for the local community to participate in the affairs of the municipality including the preparation, implementation and review of its integrated development plan. Of fundamental importance is the fact that ward committees would be the epicentres of participatory governance if they are properly constituted and utilised. It is for this reason that municipalities were established for the whole territory of the Republic to ensure accessibility to state services by the rural and traditional authorities. The significance is that rural and traditional authorities came under the rule of the local government system. However, post 1994, the Municipal Demarcation Board was established to determine the new municipal boundaries and the
number of municipalities was reduced from 843 to 284 across the country (De Visser, 2005: 75).

Since 1994, South African local government has been experimenting with a policy of decentralization of power through metropolitan municipalities which is aimed at devolving government power from the centre to local structures. As indicated earlier, six metropolitan municipalities across the country have been created; each municipality has a number of committees and wards to promote decentralised governance at all levels. In terms of chapter 7 of the Constitution of the Republic of South Africa, 1996, local governments are mandated to provide democratic and accountable government to local communities, to ensure the provision of services to communities in a sustainable manner, to promote social and economic development, to promote a safe and healthy environment, and to encourage the involvement of communities and community organisations in the matter of local governance. Therefore, the local sphere of government consists of municipalities, which must be established for the whole of the territory of the Republic. Against this background, the general characteristics of metropolitan councils as outlined by De Visser (2005: 75-77) are discussed in relation to the composition and decision making powers and their accessibility to local communities.

4.3 CENTRAL FEATURES OF METROPOLITAN MUNICIPALITIES

The following reflects the general features of the South African municipalities in relation to various sections of the Local government and Municipal structures Act no 117 of 1998, which is the main framework for the establishment of these structures:
As indicated earlier, the executive and legislative authority of the municipality is vested in the municipal council which is made up of elected councillors. Each municipal council has a chairperson who is called a speaker. Significantly, the constitution does not provide for the separation of powers between the legislative and the executive branch at local level. Instead, according to De Visser (2005:77), it establishes a conventional model of government where both the executive and the legislative authority are vested in the council and members of the executive remain councillors. The institutional relationship between the municipal executive and the council is determined by the municipal type, as espoused by section 155 (1) (a) of the Constitution.

Cooperative governance between a municipality and provincial local government is important since the ultimate decision to determine the type of the municipality “lies in the hands of the provincial government: the MEC (Member of the Executive Committee). Hence it is De Visser’s (2005:77) assertion that the executive in a municipality could be an executive committee, elected by the council from amongst its members. Such an arrangement deprives the lower structures of decision making powers. The worst case scenario is that municipal executive power is also vested in an executive mayor, elected by the council from amongst its members and also the council as a whole would act as the municipal executive when the need arises (De Visser, 2005:77).

As a case in point, the South African constitution Act 109 of 1996 stipulates that the executive and legislative authority of a municipality is vested in its Municipal Council
which has a right to govern, on its own initiative the local government affairs of its community, subject to the national and provincial legislation, as provided in the constitution. A municipality has executive authority and rights in terms part B of schedule 4 of the constitution, to administer air pollution, building plans, child care facilities, electricity and gas reticulation, fire fighting services, local tourism, municipal airports, municipal planning, municipal health services, municipal public transport, municipal public works only in respect of the needs of municipalities, storm water management systems in built up areas, trading regulations and water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems. Furthermore, part B of schedule 5 of the constitution gives municipalities executive authority to administer beaches and amusement facilities, billboards and the display of the advertisements in public places, cemeteries, funeral parlours and crematoria, cleansing, control of public nuisances, control of undertakings that sell liquor to the public, facilities for the accommodation, care and burial of animals, fencing and fences, licensing of dogs, licensing and control of undertakings that sell food to the public, local amenities, local amenities, local sport facilities, markets, municipal abattoirs, municipal parks and recreation, municipal roads, noise pollution, pounds, public places, refuse removal, refuse dumps and solid waste disposal, street trading, street lighting, and traffic and parking.

4.3.2 EXECUTIVE COMMITTEES

Section 42 (1) of the South African constitution states that executive committees can only be established by category A municipalities as mentioned in section 8. These municipalities should have a collective executive system combined with a sub council
participatory system, a collective executive system with a ward participatory system, and the collective executive system combined with both a sub council and a ward participatory system. In order for category B municipalities to establish executive committees, the municipality must have a collective executive system combined with a ward participatory system. In terms of section 43 (1), if the council of a municipality opts for an executive committee, it must elect the number of councillors necessary for effective and efficient government. In terms of section 43 (2), it is necessary that an executive committee be composed in such a way that parties and interests represented in the municipal council are represented in the executive committee in substantially the same proportion they are represented in the council.

In sections 44 (1 to 4), the functions of executive committees are: to receive reports from the other committees of the council and forward them together with their recommendations to the council when they cannot dispose of the matter in terms of their delegated powers, identify the needs of the municipality, review and evaluate those needs in order of priority, recommend to council strategies, programmes, and services to address priority needs through integrated development plans, determine the best methods to deliver those strategies, programmes and services to the maximum benefit of the community. Executive committees identify and develop criteria for implementing and evaluating these strategies, programmes and services. They also review the performance of the municipality in order to improve the economy, efficiency and effectiveness of the municipality, and must report to the municipal council on all decisions taken by the committee.
4.3.3 EXECUTIVE MAYORS

In congruent to the above provisions, section 54 (1) of the South African constitution stipulates that only municipalities of certain types as mentioned in section 8 may elect executive mayors. The municipality should have a mayoral executive system combined with a sub council participatory system and mayoral executive committee combined with a ward participatory system, and the mayoral executive committee to combine both a sub council and a ward participatory system. In terms of section 55 (1), if a municipality chooses to have an executive mayor it must elect this mayor, and if the MEC for local government in the province approves, he/she might also elect an executive deputy mayor from among its members.

Section 56 (1 to 7) outlines the functions and powers of the executive mayor which are: an executive mayor is entitled to receive reports from committees of the municipal council and to forward these reports together with a recommendation to the council when the matter cannot be disposed of by the executive mayor in terms of such a mayor’s delegated powers. The executive mayor identifies the needs of the municipality, reviews and evaluates them in order of priority, recommends to the municipal council strategies, programmes and services to address priority needs through the integrated development plan. The executive mayor recommends or determines the best way to deliver those strategies, programmes, and services to the maximum benefit of the community. He or she also identifies, develops, evaluates and oversees the implementation of the strategies, programmes and services and must report to the municipal council on all decisions taken by the executive mayor.
4.3.4 MAYORAL COMMITTEES

In terms of section 60, if a municipal council has more than nine members; its executive mayor may appoint a mayoral committee from among the councillors to assist him or her. He or she, may delegate specific responsibilities to each member of the committee, may delegate any of the executive mayor’s powers to the other members. The mayoral committee must consist of the deputy executive mayor and as many councillors as may be necessary for effective and efficient government.

4.3.5 SECTION 79 “PORTFOLIO” COMMITTEES


The major shortcoming of the above committees is that they only make recommendations to council and technically this is merely a duplication of what sub councils do. In essence, this renders these structures redundant.
4.3.6 METROPOLITAN SUB COUNCILS

Section 61 stipulates that only metropolitan municipalities of certain types may establish metropolitan sub councils. This is also underpinned by section 8 which outlines that a municipality must have a collective executive system with sub council, and ward participatory system. The City of Cape Town is a classical example of a municipality where sub councils have been established with delegations. Their role include the following: to assess the performance of service delivery within their area of jurisdiction, to request reports from the relevant line functionaries on activities planned to be executed within the sub council area, to monitor the implementation of the council’s budget, business plans, strategic objectives, policies and programmes, and to oversee the functional activities within the sub council area (City of Cape Town sub council protocol, 2009: unnumbered).

It is important to highlight that these sub councils have no decision making functions but only make recommendations to upper structures. Consequently, numerous problems are being encountered by these sub councils. Some of these problems are: a lack of response from line departments to various requests, there are many outstanding matters of sub councils because line departments do not timeously submit the required reports, and the inadequate consultation of communities with concerning crucial decisions taken by the sub council. In the spirit of good governance, attempts have been made to alleviate these problems such as the compilation of the sub council delegation manual and the establishment of inter-directorate liaison-sub councils (City of Cape Town sub council protocol, 2009: unnumbered). Of particular importance, the City of Cape Town mayoral committee identified the need for improved local service
delivery and improved communication, feedback and linkages with sub council by developing a notification system of all corporate complaints that have been received and ensuring that they are resolved at the local level (City of Cape Town, 2009:224).

An attempt has been made by the City of Cape Town to strengthen local democracy through ward allocations to make these structures economically vibrant. Such ward allocations were introduced precisely to allow municipalities an opportunity to address those local needs identified by the local community. The fundamental principle of ward allocations is to provide an opportunity to strengthen local democracy by bringing governance closer to the people and to create job opportunities and alleviate poverty in the community. Ward allocations are calculated on the basis of the number of wards in each sub council. It is the responsibility of sub councils to determine focus areas they wish to pursue with the ward allocations. It is therefore imperative that ward councillors go through public participation to ascertain the needs in the community in respect of possible projects and ultimately the priority lists be finalised in consultation with ward constituents and external interest groups (City of Cape Town, 2009:275-291). Currently, this is the only metropolitan municipality that has sub councils and others are still struggling to establish fully fledged ward committees.

**4.3.7 WARD COMMITTEES AND WARD FORUMS**

As indicated earlier, ward committees and ward forums are supposed to be strategically located and to be the epicentres of decision making at the local level. According to Craythorn (cited by Putu, 2006:9), the establishment of ward committees in South Africa dates back to “1786 in the Cape as a result of Cape Burghers pressing for a greater
share in the government of the Colony”. Since these structures were not representative of all racial groups, they were rejected and opposed by Africans. However, from 1994, with the advent of democracy in South Africa, ward committees were re-introduced; so that they influence policy formulation. This has afforded South Africans the opportunity to have direct access to the democratically elected representatives who are involved in the management of their affairs. As Beall, et al, (2002:83) put it, “local participation and experience will back the revision of legislation and procedure where necessary”. Communities must not only be participants but play a crucial role in enhancing democracy and according to Putu (2006:11), this “implied that there has to be a representative and administrative system through which the views of citizens are heard and fed in the policy formulation”.

These structures are established in terms section 72 (1) of the of local government municipal structures Act. The rationale for establishing the ward committees was to ensure the involvement of civil society structures which were vigilant pre-1994, at the dawn of the new South African local government dispensation. But the irony is what the minister of cooperative governance and traditional affairs said in his own admission that: “ward committees are not properly resourced and whatever they raise does not find expression in the councils…there is no platform from which issues in the wards are taken up in the councils” (Boyle, 2010:4) In response to a general concern of poor communication by municipalities with their local people, ward committees were introduced as a conduit to link and inform respective communities about their needs, aspirations, and problems encountered but the lack of decision making powers is the only limitation of these structures.
Basically, they were established to serve as a bridge between local municipalities and communities. Ward committees are important elements in the promotion of local democracy and enhance public participation in municipal governance. It is crucial for ward committees to be actively engaged in the core business of the municipality such as Integrated Development Planning, budgeting and municipal performance management process to bring meaning to local democracy. They are supposed to play a crucial role in the establishment, implementation and review of a municipality’s performance management system, and the monitoring and review of a municipality’s performance. It is also envisaged that ward committees will play a critical role in the preparation of a municipality’s budget and make decisions about the provision of municipal services (Msengana-Ndlela, 2003/2004:16). On the contrary it is misleading to expect ward committees to make decisions about the provision of municipal services when they do not possess any decision making powers and are just advisory structures.

In essence, ward committees are structures created to assist the democratically elected representative of a ward (the councillor) to carry out his or her mandate. The Act stipulates the type of the municipality which can establish ward committees. Most importantly, the ward committees are comprised of the ward councillor who basically chairs the committee and a total maximum of 10 members. The objective of a ward committee is to enhance participatory democracy in local government. Ward committees are supposed to serve as formal communication channels between the community and the council, and make recommendations to the council (De Visser, 2005:107). This Act demands that communities be meaningfully involved in controlling their own local services. For a meaningful involvement and accountability, inhabitants
should democratically elect their local ward representative to the sub/local council. In this way, ward structures feed into the existing sub council and ward committee structures and further into the other governance structures of the municipality.

With the exception of the City of Cape Town metropolitan municipality, the other five metropolitan municipalities have adopted a ward committee system but are still grappling with the establishment of these structures. The Nelson Mandela metropolitan municipality amalgamated smaller municipalities in the mid 1990s. In order to improve communication with their citizens, about 60 fully operational ward committees have been established in all the local communities, each consisting of ten elected community representatives (SA Cities Network, 2008:62). In a broader perspective, ward committees are seen as serving as the councils’ eyes and ears in the communities and provide a channel of communication between the council and the community. Ward councillors are trained to be able to handle matters that transpire in ward committees and to develop inputs that in turn are conveyed to council. As argued in the article SA Cities Network, (2008:64), decisions taken at the ward committee level are fed back into the decision making processes of the council. Apart from the ward committee as a method of communicating with the community, the Nelson Mandela Bay Municipality also makes use of the following innovative methods of community participation: organising annual imbizos named masithethe, which means “come let’s talk together”. In these meetings councillors, officials, and communities collectively discuss the priorities of the city. In addition, public participation exercises are organised for the community to comment on the integrated development plans. On the whole, the Nelson
Mandela Bay Municipality regards ward committees as a vital component of governance, public participation and service delivery.

Having revealed how ward committees are determined in terms of the municipal structures act, it is clear that the City of Cape Town has deviated from this approach and decided to constitute ward forums in terms of its own council resolution. Since the City of Cape Town follows a sub council model, each sub council had to decide on the type of ward forum to be implemented for each ward within the sub council's area of jurisdiction. Therefore, each sub council may choose one of the following types of ward forums for each ward: Sector based ward forum, geographically based ward forum or a combination of a sector and geographically based ward forum. In juxtaposition to ward committees, ward forums consists of not less than five and not more than twenty members excluding the ward councillor of that particular ward who is the chairman of the forum and the proportional representative councillor of the ward forum. Basically, for any interest group to be able to participate in an election for a ward forum, such an interest group must be registered on the electoral officer database, be a person representing a geographical area must reside within that geographical area and must be registered as a voter within the jurisdiction of the municipality. The purpose of ward committees is to enhance participatory democracy (De Visser, 2005:107).

In view of the above, community participation and consultation is taking place in these structures, but the big question that the study is postulating is: Do these structures have decision making powers? In the following discussion, this question will be explored.
4.4 THE SIX METROPOLITAN MUNICIPAL CASE STUDIES

The following presents the six South African metropolitan municipal case studies:

4.4.1 CASE STUDY 1: CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY

The City of Cape Town Metropolitan Municipality is one of the South Africa’s six metropolitan municipalities with a population estimated at 3 239 765. It is situated on the southern peninsula of the Western Cape Province (Annual report 2005/2007). The governance of the City of Cape Town is through the council, the Executive Mayor and the Mayoral Committee, the committees of Council and the sub councils.

The Council is the legislative body, which is empowered to make decisions concerning, inter alia by-laws and budgets. The Speaker is the Chairperson of Council and is elected in terms of section 36 of the Municipal Structures Act 117 of 1998. The Speaker ensures that councillors comply with the Code of Conduct and regard the Speaker as the Chairperson of the section 79 Rules Committee. The Speaker’s responsibilities have been further extended to include the political oversight role in respect of monitoring and reporting on the performance of Sub councils and ward participatory mechanisms and managing community participation through these mechanisms. In respect of sub councils, the council has delegated the Speaker to investigate and make recommendations to Council on the delegations of duties and powers to Sub councils (City of Cape Town, 2006:9:26).

The Executive Mayor is elected by Council in terms of section 55 of the Structures Act, and together with the Mayoral Committee, functions as the leadership of the City of Cape Town. The Executive Mayor has an overarching strategic and political
responsibility and is at the centre of the City of Cape Town system of government since the executive powers are vested in the Executive Mayor to effectively manage the city. In terms of section 60 of the Municipal Structures Act, members of the Mayoral Committee are appointed by the Executive Mayor to assist in executing the powers, and are assigned specific portfolios and delegated responsibilities to ensure effective governance of the city. The Executive Mayor oversees the provision of services to communities, recommends to Council strategies, programmes, and services to address priority needs. Reports from committees of Council are forwarded together with recommendations by the Executive Mayor to the Council when the matter cannot be disposed of by the Executive in terms of delegated authority. The Executive Mayor not sub councils/ward committees makes the final decision after duly considering the recommendations of the Mayoral committee (City of Cape Town, 2006:9-26)

The Council of the City of Cape Town is supported by a committee system, which has since moved from a system where both section 79 and 80 existed, to one where mainly Section 79 committees are in place. As indicated in the previous chapter these committees include amongst others: Amenities and Sport Portfolio, Corporate Services and Human Resources Portfolio, Economic, Social Development and Tourism Portfolio, Finance Portfolio, Health Portfolio, Homeless Agency committee, Housing portfolio, Planning and Environmental portfolio, Trading Services and Infrastructural portfolio, Transport, Roads and Storm water portfolio, Standing committee on Public Accounts (SCOPA), Rules committee, and Spatial Planning, Environment and Land Use Management Committee (City of Cape Town, 2006:26)
The Chairpersons of these committees are nominated by the Council which also determines and delegates the functions of each committee as it deems fit. There are currently 10 Section 79 committees (Portfolios) which are comprised of members of all political parties in the council. These committees play a crucial role in the development of policy and in monitoring service delivery. They have specific delegated powers, which among others; include the Spatial Planning and Land Use Management Committee and the planning appeals committee (City of Cape Town, 2006:26).

The City of Cape Town metropolitan municipality has set up mechanisms to ensure that participatory democracy in the decision making process is attained. It is largely on the basis of the much developed infrastructure that the City of Cape Town has been classified in the following categories: Council, Mayoral committees, Portfolio committees, Sub councils, and Ward forums. Of particular importance in this study is that sub councils have minimal delegated powers to make decisions on certain matters.

In 2000, the city adopted the sub council approach to ensure good governance and participatory democracy and for this, about 16 sub councils were established. To date this has evolved from 16, 20, 21, 23 and now there are 24 Sub Councils. The council has delegated certain powers to sub councils. Basically, a sub council is a group of wards that adjoin or touch each other and each sub council is made up of between three and seven wards. The core business of sub councils is to ensure, facilitate and foster close working relationships between the political and administrative disciplines by actively striving to improve collaboration and synergies that will promote and enhance good participatory governance but the irony is that these structures are not bestowed with fully fledge decision making powers.
In January 2007, the DA-led coalition government of the City of Cape Town inaugurated 23 sub councils, which they envisaged would focus better on meeting the needs of the communities to which they are accountable. According to Councillor Owen Kinanhan, the chair of the Forum of Chairpersons of Sub councils (FOCOS), “the Sub councils will have considerably more powers than in the previous administration, when they were relatively toothless” (City news, 2007: unnumbered). Since then, limited delegations have been passed down by the council to these sub councils to make certain decisions affecting the specific local area. The role of Sub councils is to bring government closer to the people and foster community participation. This is in sharp contrast with other metropolitan municipalities which are still grappling with the process of establish local structures.

In essence, a Sub council is an administrative arrangement to break up this massive city into manageable units. Sub councils in most instances, make recommendations to upper structures. Public participation is important for Sub councils therefore, they determine the most appropriate way to consult residents. It is the sole responsibility of the Sub council to keep an up-to-date data-base of all stakeholders in the area including ratepayers and civic associations, and work closely with community organizations. All community organizations are notified of Sub council meetings, which are open to the public and allow them to observe the proceedings. However, anyone can apply for an opportunity to address a Sub council meeting on any issue (City News, 2007: unnumbered).

Each Sub council is made up of its ward councillors and proportional representative councillors as well as the chairperson, a full-time Sub council Manager and support
staff. It can do this by organizing public participation processes for the City’s policies and legislation, such as bylaws and Integrated Development Plans (IDP), administering licences for health facilities and liquor outlets, compiling and monitoring capital and operational spending of ward allocations in its area, dealing with references from the relevant portfolio committees about policies, bylaws and regulations, discussing methods for improving delivery of services, identifying matters on which the mayoral committee should be lobbied and making recommendations to the Council on matters affecting the area. Sub councils meet once a month, or more often in the event of an urgent matter needing attention (City News, 2007: unnumbered).

Furthermore, attempts have been made by the council to create another structure linked to sub councils. The structure is known as a ward forum. Its aim is envisaged as ensuring participation of communities in the affairs of the council. However, there are mixed feelings about the effectiveness of ward forums which were introduced to give residents more input on issues affecting their communities but to date their role is still indistinct.

4.4.2 CASE STUDY 2: EKURHULENI METROPOLITAN MUNICIPALITY

Based on the 2005 report of the Ekurhuleni metropolitan municipality, this municipality encompasses an area of about 1 924 square kilometres; it is extensive even in comparison with bigger metropolitan municipalities. It is located on the eastern side of Johannesburg and is comprised of eleven previously independent local authorities accommodating about 2.5 million people. The establishment of the Ekurhuleni metropolitan municipality was through the amalgamation of 11 East Rand local
authorities during the final phase of the local government rationalization and transformation that was undertaken in post-apartheid South Africa. The Ekurhuleni metropolitan economy is larger and more diverse than those of many of the smaller countries in Africa (Ekurhuleni metropolitan municipality, 2005:1).

The “Ekurhuleni Growth and Development strategy, 2025” was developed in 2005. It is intended to build a common vision and purpose across traditional barriers between government, the private sector and civil society and this strategy was further contextualized and redefined in the integrated development plan. This strategy aims at physical and social development, good governance principles, service delivery, stakeholder alignment and participation, and monitoring, evaluation and review (Ekurhuleni metropolitan municipality, 2005:5-27). Importantly, this metropolitan municipality opted for the executive mayoral system and ward participatory system. The mayoral committee comprises of an Executive Mayor and 10(ten) committee members, the speaker, and the Chief whip who form the decision making body with ten main departments to execute decisions made by this top structure (SA Cities Network, 2006:14-15).

Communication in this council is facilitated by the corporate department which ensures that heads of the various departments report progress through the organisation's performance system. Essentially, the performance management system ensures that service delivery is aligned to the integrated development plan. As a strategic objective, this approach seeks to address the ability of the city to measure and monitor the quality of work done and to account to the community (SA Cities Network, 2009:18). In addition, a service charter has been developed as a mechanism to interface with the
local community. This is a guide for communities to know what service standards to expect from the city and it entails, amongst others, response and turnaround times. Plans are underway to develop a decision tracking system to ensure urgent follow-up and implementation of decision making (SA Cities Network, 2009:18-19). As reflected in the SA Cities Network newsletter (2008:31-32), Ekurhuleni is a metropolis which is constantly abuzz with activities, therefore, communicating effectively has become a commodity on its own. The municipality has resorted to erecting television screens in people centres across Johannesburg and other areas as an attempt to effectively interact with more people. These people-centres provide easy access to council information and services, community information and tourist information.

In addition, the centres enable people to log, direct and monitor complaints, and service requests. In essence, these screens are considered a key aspect of meeting local government’s challenge of improving service delivery to the people across the city (SA Cities Network, 2006:32). There are a variety of methods through which the city communicates with the community about the city’s business such as: sending a monthly newsletter called *Ekurhuleni Talks*, on-going campaigns aimed at improving the image of the city such as the Mayor’s communications and community outreach programmes (SA Cities Network, 2008:61-62). Though ward committees have no decision making powers, attempts have been made to enhance interaction with the community and increase service delivery. About 88 ward committees have been established with a ward councillor, elected by each ward and acting as the chairperson of the ward committee (SA Cities Network, 2008:17). Furthermore, these ward committees allow representative community members to be part of their meetings, and such meetings are
held once a month to deliberate issues within that respective ward. Most importantly, the issues and minutes of these meetings are forwarded to the customer care centre manager who ensures that these pertinent “issues are communicated to the line departments and that feedback is given to the ward committee”. A major limitation is that ward committees become “conveyer-belts” with no decision making status (SA Cities Network, 2008:17).

4.4.3 CASE STUDY 3: ETHEKWINI METROPOLITAN MUNICIPALITY

The ETekwini metropolitan municipality encompasses an area of about 2297 square kilometres, with a population of approximately 3 million people. The geographical area covered by this municipality stretches from Umkomaas in the south, including some tribal area in Umbumbulu, to Tongaat in the north, moving to Indwedwe, and ending at Cato Ridge in the west (ETekwini Municipality, 2004:6). As a developmental area, ETekwini has collapsed the seven Apartheid era councils into one to become a metropolitan municipality (SA Cities Network, 2007:83).

There are about 200 councillors in this council, and one hundred of them are elected ward councillors. The other one hundred were elected to represent political parties on the basis of proportional representation. The municipal council elects a member of the Executive committee as Mayor and another member as a deputy Mayor. Further, the council established an Executive committee comprising of 9 members. This committee is the management or principal committee of the municipality. There are four supporting committees on which every councilor serves. The executive members are given the responsibility of chairing the supporting committees. The supporting committees are:
sustainable development and City enterprise, procurement and infrastructure, health, safety and social services, and corporate and human development. The council has delegated certain powers to these committees to make decisions on its behalf, and they are required to report and make recommendations to council on matters falling within their spheres of operation. There are other committees that report directly to the Executive committee. These are: audit, Masakhane, Grants-in-Aid and Poverty, community participation, youth affairs and gender, housekeeping, non-racialism and non-sexism, priority working committee and the metro police (EThekweni municipality, 2004:11-12).

Similar to other metropolitan municipalities, the EThekwini municipality is responsible for the following services: the reticulation of water, the reticulation of electricity, bulk sewerage purification works and main sewerage disposal pipelines, construction and maintenance of EThekwini arterial roads and associated storm water drainage, refuse removal and disposal, fire and emergency services, parks and recreational facilities, cemeteries and crematoria, fresh produce market, municipal health facilities, metro police function, development and facilitation and control, rates and revenue billing and housing (EThekweni municipality, 2004:15).

In terms of the legislative requirement, the EThekwini municipality has an integrated development plan which is basically a strategic plan for the stakeholders to know the direction in which the city is headed and it encompasses the following strategic focus areas: creating sustainable economic growth and job creation, as well as building strong and vibrant local economies, regeneration of existing residential areas to ensure higher quality of life for all citizens, rehabilitation of existing infrastructure - rather than
expanding platform infrastructure, maximization of the use of existing facilities and infrastructure, mainstreaming and coordination of responses to crime, HIV/AIDS and poverty alleviation, focusing and integrating delivery to maximize impact on job creation and poverty, developing a financial strategy to balance developmental expenditure with a strategy to grow income, ensuring that local government is accountable, accessible and aligned, and maintaining the ecological integrity of the city (EThekwni municipality, 2004:16).

Area-based management has been identified as a new approach to service delivery; Five (5) areas have been singled out: Cato Manor, the South Durban basin, the eThekwini inner city, and the townships of Inanda, Ntuzuma and KwaMashu and finally, the rural areas surrounding Durban. The aim is to improve conditions through communication and partnership with the key role players within the areas (SA Cities Network, 2006:49-50). A community participation department has been established to ensure participation of different communities within the EThekwini municipalities. To respond to the business needs of the communities, a number of co-operatives in different communities that are made up of indigent people have been established. These co-operatives run as businesses, and members are paid for their services. Similar to other metropolitan municipalities, eThekwini municipality encourages citizen participation in governance. As a result the eThekwini Community Participation and Action Support Unit was established to enable communities to influence decision making in the municipality though they are not part of the decision making process (SA Cities network, 2007:113).
The city has established the following newspapers to ensure effective communication with their stakeholders: Metro Beat and Ezasegasasini Metro Newspaper. Furthermore, most departments are involved in Masakhane roadshows every weekend, Masakhane is a national initiative that calls for unity and encourages citizens to fulfill their responsibilities in rebuilding the new South Africa (EThekwni municipality, 2004:24). To improve communication with the inhabitants of the eThekwni municipality, the city has established communication centres called Siyakhala, which means “Get Help”. The aim of these centres is to enable residents to have access to all council service providers in a helpful manner across the city. These centres are located at strategic and convenient points to ensure that communities access them easily (SA Cities Network, 2007:96).

There are about 100 wards in the municipal area, each with a ward committee; these committees play a crucial role in terms of representing the various sectors, including youth, women and the disabled. Extensively, through these committees, communities disseminate information on a sector basis as they interface with councillors. Furthermore, the youth as crucial key role player interact with council on various issues. The council has created youth forums in all the 100 ward committees so that all role players can engage directly with the youth (SA Cities Network, 2007:84).

4.4.4 CASE STUDY 4: CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

The City of Johannesburg is the metropolitan municipality that governs the Johannesburg area. It is one of the largest metropolitan cities in the world, and is regarded as a mega-city. It is also the economic and financial hub of South Africa. Basically, the first post-apartheid City council was created in 1995 and replaced the
council which was not inclusive of all inhabitants of this country and only catered for a minority group. The City of Johannesburg is made up of a legislative arm (the council), an executive arm which basically consists of the executive mayor and the mayoral committee, and an administrative arm. Essentially, the council focuses on legislative, oversight and participatory roles, delegating its executive function to the executive mayor and the mayoral committee. In principle, it is the responsibility of the council to approve by-laws, policies, integrated development plans, tariffs for rates, service charges, and the City’s budget. Significantly, the City of Johannesburg has a council made up of 217 councillors representing various political parties. It is the duties of councillors, in particular, wards councillors to represent the needs and interests of their respective constituents. The council is comprised of various structures with broad functions. Such structures, amongst others, are: section 79 committees, standing committees, leader of executive business, the executive mayor and the mayoral committee (City of Johannesburg, 2010: unnumbered).

It is important to note that the administration of the City of Johannesburg metropolitan municipality was decentralised initially into 11 regions, and these regions were subsequently reduced to 7 in 2006 with streamlined decision making processes (SA Cities Network, 2007:9). The municipality has two kinds of city councillors, those who have won office in one of the Johannesburg’s 109 electoral wards and those elected by proportional representation on the basis of party lists. In essence, the directly appointed councillors have more responsibilities, including setting up committees in their wards to raise local issues and liaising with local ratepayers and residents’ associations. Ward councillors in most instances interact with the line managers in their respective areas.
The executive mayor manages the affairs of the city and therefore the executive mayor is bestowed with overarching strategic and political responsibility. In order to perform these functions, the executive mayor has executive power, delegated by the council and assigned by legislation. Furthermore, the executive mayor is assisted by an appointed mayoral committee (City of Johannesburg, 2010: unnumbered).

As required by the Local Government Municipal Structures Act, the City of Johannesburg has established ward committees in all 109 wards. These are structures created to assist the democratically elected representative of a ward, who is the ward councillor, to carry out his or her mandate. They also assist the ward councillor to channel the views and needs of communities back to the council to enhance a process of iterative engagement. Ward committees are made up of various sectors in the communities such as business, health and welfare amongst others (City of Johannesburg, 2006:1-14). Similarly, to other metropolitan municipalities, ward committees in the City of Johannesburg are facing the challenge of not having decision making power. The City of Johannesburg is committed to communicating its vision and objectives to its inhabitants. In doing so, it encourages the involvement of communities and community organisations in ward committees, participation through the system of petitions, participation through Johannesburg stakeholders forum, public meetings and giving them an opportunity to access information through the promotion of Access to Information Act, 2000 (City of Johannesburg, 2001:7-10). In principle ward committees are conduits or “conveyor belts” of council as they only channel their views to the council with no decision making powers.
4.4.5 CASE STUDY 5: CITY OF TSHWANE METROPOLITAN MUNICIPALITY

The City of Tshwane metropolitan municipality is in the centre of the administrative capital of South Africa. Geographically, it is located in the north-western corner of the Gauteng Province. It covers approximately 13% of the province’s surface and extends over a significant amount of rural land. Basically, like all other metropolitan municipalities, the City of Tshwane is a Category A municipality. The amalgamation of 13 neighbouring municipalities formed the City of Tshwane (SA Cities Network, 2007:7).

The following are the various decision making structures within the City of Tshwane metropolitan municipality: the Municipal council, Executive Mayor and Mayoral committees, officials with delegated powers, Portfolio committees which are: corporate and shared services, financial services, economic development, health and social development, community safety, sports and recreation, housing services, agriculture and environmental management, public works and infrastructure development, and city planning, development and regional services and these are also called section 79 and 80 committees (City of Tshwane Integrated Development Plan, 2008:1-20). However, this municipality has adopted a regional approach as opposed to a centralised model, and it is envisaged that through regional sub structures, participation in the affairs of the municipality can be achieved more easily and government can be closer to the people (SA Cities Network, 2006:97-98). The administrative component of this municipality is headed by the Chief Operations Officer, whose responsibility is to ensure that all decisions of the mayoral committee are implemented by the nine departments.
It is important to note that the City of Tshwane is made up of 76 community wards, which are divided into 5 administrative regions. The regions are: the North West region, the North East region, the Central Western region, and the Eastern region (City of Tshwane Integrated Development Plan, 2008:2). Participation in this municipality is established through a ward system. The various role of ward committees, amongst others are: to facilitate local community participation in making decisions which affect local communities, to articulate local community interests, and to represent these interests within the municipal governing structures. In essence, ward committees and ward councillors are the conduit for community information (City of Tshwane Integrated Development Plan, 2008:2). In an attempt to take the government to the people, the City of Tshwane has fostered participatory democracy and *Batho pele* (People first) principles which advocate for accessible governance. As a result, the following was achieved, according to the performance report (July 2006 to March 2007): ward committees have been capacitated and are 100% functional in all areas (SA Cities Network, 2007:101). Strategically, ward committees are regarded as “intelligence tools” and play a crucial role in helping the municipality to direct its interests the right way. Furthermore, ward committees are perceived to be “depositories of data at community level” (SA Cities Network, 2006:23).

One of the challenges of this City is effective communication. Screens similar to those in the City of Johannesburg have been used to reach the public with regard to service delivery and other innovations that the City has developed. Information displayed on these screens can be “tailor-made for the specific location and population” (SA Cities Network, 2007:69). This is to make the city more accessible to all citizens and more
customers focused. These information centres have played a significant role in fulfilling the City of Tshwane’s mandate of reaching the community in big numbers (SA Cities Network, 2006:23). Over and above ward committees, the City of Tshwane has established structures to work with communities and churches. Consequently, this city is in partnership with The Tshwane Leadership Foundation (partnership of churches and communities committed in urban regeneration) – Yeast City Housing (ensuring access to affordable housing) – Pretoria Community Ministries (facilitating social development) and the Consortium for Urban Transformation which brings together various civil society organisations to partake in urban management. This is an indication of city’s commitment to the urban transformation agenda (SA Cities Network, 2006:67-68).

4.4.6 CASE STUDY 6: NELSON MANDELA BAY METROPOLITAN MUNICIPALITY

Nelson Mandela Bay Municipality encompasses an area of 1 950 square kilometers. It is extensive even in comparison with bigger metropolitan municipalities. According to SA Cities Network (2008:21), a special publication about Nelson Mandela Bay municipality, which is the main source of this case study, this municipality faces the added complications of incorporating peri-urban and agricultural areas in addition to urban zones.

According to the then Municipal Manager: Graham Richards, “in line with its people-centric philosophy, the Nelson Mandela Bay Municipality’s Integrated Development Plan (IDP) functions on the pillars of Batho Pele: consultation, service excellence, access, information, openness, redress, and value for money” (SA Cities Network, 2008:22). In pursuit of a people-friendly city, the municipality adopted consultation as one of the key
strategies driving its development since this city is faced with huge challenges of service provision especially in the previously neglected areas. The Municipal Manager further asserts that: “…we expect citizens to participate as fully as possible in the consultation processes across the municipality. We encourage inputs, interaction with business, political parties, civil society, academic institutions, religious bodies, and all other stakeholders” (SA Cities Network, 2008:22).

As part of the empowerment strategy, the Nelson Mandela Bay Municipality offers training for ward councillors to work with ward committees which develop inputs that are in turn conveyed to council. When budgets and IDPs have been tabled and adopted, consultation rounds are conducted with all the ward committees to convey an understanding of the broader strategic nature of the IDP though public participation exercises. Since public participation at this municipality is still not at a level that is considered adequate, all media channels are used to encourage people to get involved.

Communicating municipal policy and decisions at the Nelson Mandela Bay Municipality is a complicated task. A communication directorate has been established with two main tasks facing it: firstly, to allow people to participate in government, and, secondly, to disseminate information about government policies and decisions (SA Cities Network, 2008:61). Mass communication is done through various platforms and media to solicit the views of the public and disseminate information regarding the objectives, programmes, decisions, actions and activities of the municipality. As a direct communication channel; the Nelson Mandela Bay Municipality organises annual imbizos, which form a key strategy. The imbizos are called Masiphathisane which means “come let’s talk together”. Two annual imbizo’s are held where councillors,
officials and communities are afforded an opportunity to “collectively discuss priorities of the municipality and the development of integrated plans that will benefit the communities” (SA Cities Network, 2008:62).

Significantly, community participation and communicating with the public in general has never reached the point of perfection. The Nelson Mandela Bay Municipality has developed other open channels of communication with its citizens apart from traditional media methods. The following innovative methods are used: *Ubuntu Community Magazine* which presents the municipality with an ideal vehicle from which to communicate with the people, *Rise Staff Magazine*, which focuses on issues affecting employees of the municipality, and loud hailing, is another method that the municipality frequently uses to communicate with its citizens (SA Cities Network, 2008:62).

Ward committees have been set up in all local communities. These committees are local structures accessible to communities. Currently there are about 60 ward committees at this municipality and each committee consists of ten elected community representatives. Each representative represents a sector. The following sectors have been established: business, faith based, Youth and women, sports and rate payers associations. This is hailed “democracy in action” (SA Cities Network, 2008:62) that is, bringing local democracy to the people. The meetings of the ward committees are held once a month and they are provided with a fully equipped office and administrative services to ensure that they carry out their functions. The ward committees are chaired by the ward councilor. These are not a decision making structure but consultative forums. The ward committees are regarded as the council’s eyes and ears in the
community and also serve as channels of communication between the council and the community (SA Cities Network, 2008:62).

It is envisaged that the role of ward committees will identify issues of mutual concern and together with the council they will attempt to resolve them. They are also considered ideal tools for involving communities in affairs that concern them and the community they represent within the Municipality. “A well informed community is vital to a developmental local government and democracy” hence ward committees are also considered as proper structures to further enhance political decisions (Nelson Mandela Bay Municipality, 2004: unnumbered).

4.5 SUMMARY

The above case studies attempt to give an account of how these metropolitan municipalities have developed in terms of decision making, embracing cooperative governance, communicating with their local communities, the participation of communities and whether there is any meaningful democracy at the local ward or sub council level. This overview of the South African metropolitan municipalities reveals that there is an urgency to expedite cooperate governance in local government. What is common among the metropolitan municipalities is that they have the exclusive municipal executive and legislative authority in their area of jurisdiction. Individual councilors do not possess general powers to bind their council through their actions when they represent their wards. However, the council as a collective body can only make binding decisions for the council. It is worth noting that the elected representatives in local government play a crucial role in policy making and they have
the power to delegate decision making to certain levels within local government without losing their accountability.

For the reasons above, officials in their executive positions are becoming involved with the regulatory and related aspects of decision making. The Local Government Municipal Structures Act of 1998 makes provision for the establishment of metropolitan sub councils and ward committees as platforms to afford communities the opportunity to participate in their local areas but this call is not heeded by certain municipalities. In view of the fore-going discussion of the South African metropolitan municipalities, it is necessary to incorporate cooperative governance by having a configurative model which embraces and brings the following role-players together: technocrats, municipal councilors, and civil society organizations. Notably, decision making at local government level is a significant, omnipresent auxiliary function which is necessary to underpin generic administrative functions. The fundamental principle of this approach is to reflect a plurality of views in local government.
CHAPTER 5

THE RESEARCH PLAN AND PROCESS

5.1 INTRODUCTION

In the preceding chapters, it was argued that in order to deepen democracy at the local level, it is necessary to incorporate cooperative governance through a configurative model which embraces and brings the following role-players together: technocrats, municipal councilors, and civil society organizations. The purpose and nature of the research necessitated the collection of survey opinions to elicit the attitudes of the various role players in local government. The researcher opted to use both quantitative and qualitative research. Creswell (2009:4) defines quantitative research as a means of exploring and understanding the meaning individuals or groups ascribe to a social or human problem.

Basically, the research involves emerging questions and procedures. The data was collected and analyzed inductively from particular as well as general themes and the meaning was interpreted. According to Hantrais and Mangen (1996:131), the strength of quantitative research lies in its ability to aggregate information on a large number of different units. Its weakness arises from the fact that many research objectives can only be managed in a limited way and such limitations are principally derived from the failure to locate information, correlation and linkage to an empirical basis. On the other hand, qualitative research is a means of testing objectives and theories by examining the relationship among variables (Cresswell, 2009:4). Therefore, such variables can be measured on instruments so that numbered data can be analyzed using statistical
procedures. The researcher makes assumptions about testing a theory, controlling for an alternative explanation, and being able to generalize and replicate the findings (Cresswell, 2009:4). Contrary to quantitative research, qualitative research which “often produces unexpected results……it offers the advantage of correlating theoretical assumptions and empirical material in a tighter way than can be done when using standardized statistical methods” (Hantrais and Mangen, 1996:131).

The following research methods were used in gathering the data: Firstly, a self-administered questionnaire survey was conducted which entailed sending questionnaires to respondents to complete. According to Cresswell (2009:145), such a survey method provides a quantitative or numeric description of trends, attitudes, or opinions of a population by studying a sample of that population. Therefore, from the results, the researcher generalizes or makes claims about the population. This was also a qualitative method in that; predetermined questions which were closed and open-ended were administered to the respondents (Creswell, 2009:15). The questionnaires were mailed to the respondents who were expected to mail them back after completing them. In certain instances the researcher had to pick up the completed questionnaires. As indicated by Babbie (1994:258), this method of delivering or picking up questionnaires or both, has a higher completion rate than for straight forward mail surveys. In this case, data collection through the mail proved to be problematic hence in certain instances assistance was sought from people strategically located within the metropolitan municipalities to collect the completed questionnaires and mail them to the researcher. This proved to be effective. Personal interviews were arranged with certain respondents. This overcame the big problem of respondents not returning
questionnaires which they perceive as too burdensome for them. Secondly, an interview survey was used to gather data. Face to face interviews were conducted amongst some civil society organizations to record responses exactly, and to probe for further responses. As indicated by Babbie (1994:277), “a probe is a neutral, nondirective question designed to elicit an elaboration on an incomplete or ambiguous response, given in an interview in response to an open-ended question”.

The present chapter contains the research plan and process that were followed to conduct the study and therefore it details the methodology, methods and tools that were utilized. The methodological design of this study is guided by the research focus and questions. For this purpose, the researcher chose a single best design or a multiple, innovative and creative path. The study focuses on decentralized cooperative governance as an emerging form to expedite and be inclusive in the decision making process in South African local government with specific reference to the six metropolitan municipalities. The following research question was raised: How would decentralization of decision making power promote cooperative governance to consolidate local democracy in South Africa? Three interrelated themes that have a direct influence and impact on this question were identified to give direction to the study and these are as follows:

1. The first theme relates to the theoretical framework that would provide an understanding of the principles of cooperative governance as outlined by Chapter 3 of the Constitution of the republic of South Africa.
2. The second theme relates to the scope of the decision making process in the South African metropolitan municipalities and how decision making in local
government has evolved. This included self-administration exercises, democratic self-governance, accountability, responsiveness to local issues, and how representative and inclusive these local structures are with regard to civil society.

3. The third theme outlines cooperative governance and presents a broader perspective of the emerging philosophical and theoretical development of local democracy.

According to Babbie (1994:129) reliability refers “to the likelihood that a given measurement procedure will yield the same description of a given phenomenon if that measurement is repeated”. The outcome of the research was checked for reliability by comparing what was observed in different metropolitan municipalities and a conclusion about which municipalities have cooperative governance. However, Babbie (1994:124) warns that reliability does not ensure accuracy because different interviews get different answers from respondents as a result of their own attitude and mood of the day. The validity of the research is very important. Babbie (1994:127) refers to validity as “the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration”. In this instance, the researcher had to develop a theoretical expectation about the way the variable of cooperative governance relates to other variables. The researcher had to measure the respondents’ understanding of how cooperative governance relates to decision making. It was clear that most respondents understood that cooperative governance means to be inclusive in decision making, cooperation, mutual trust and respect between civil society, different institutions and spheres of government. The foregoing assertion constituted evidence of the measure’s
construct validity as indicated by Babbie (1994:127).

5.2 RESEARCH DESIGN AND METHODOLOGY

This study investigated whether decentralized cooperative governance could be achieved through local structures such as sub councils and ward committees focusing on the six metropolitan municipalities in South Africa. This was against the backdrop of whether the decision making process at the local level by the authorities is inclusive of civil society organizations. An exploratory qualitative design was used through a participatory process which entailed in-depth interviews of civil society organizations, municipal councilors and officials. The purposive-sampling method was used to select individuals who are conversant with the field of the study in order to achieve the intended outcome. Sixty-seven respondents within the six metropolitan municipalities in South Africa were interviewed. They included members of civil society organizations, municipal councilors and officials.

Two semi-structured questionnaires were administered to these respondents to explore and gather relevant information for the study. The first questionnaire which contained 43 questions is reflected as appendix 1. This questionnaire was administered to the municipal councilors and officials, as they are the decision makers within the municipality and the second was administered to members of civil society organizations, as they are interest groups in municipal affairs. This afforded the researcher the opportunity to explore and debate rich and valuable information from these participants. In addition, a separate questionnaire which is reflected as appendix 2 was administered to the civil society organizations. In essence, the majority of these were likert-like items.
based on a scale from “very satisfied” to “very unsatisfied”. Furthermore, other questions, which asked for factual information, had responses such as certainly, somewhat, a little, not at all, and don’t know. In order to capture the relevant information, the interview sessions were tape recorded and later transcribed.

The sample size was limited and confined to six metropolitan municipalities and the target group comprised of the following opinion-makers relevant to the study context: managers in the municipality occupying strategic positions, municipal councillors, and members of civil society who are actively involved in each of the municipalities. The researcher ensured that the research sample of all municipalities was a composite of all the target groups to ensure uniformity.

In collecting primary and secondary data for the research, the researcher conducted unstructured, open-ended interviews with different selected target groups. These were audio-taped and transcribed. In depth semi-structured schedules were used to elicit data from managers, councilors and civic society organizations which included interest groups such as rate-payers associations. Public documents such as official memos, minutes, and archival material were analyzed. Furthermore, the researcher used observational notes from conducting observations with a participant (Cresswell, 1994:149). This enabled these target groups to give their perspectives on the state of local governance in their respective areas and share their views on what needs to be done to consolidate democratic local governance and how responsive their respective municipality area can be. These were qualitative and quantitative in-depth interviews with key stakeholders who understood policy making and implementation in these municipalities. Survey questionnaires completed by focus groups made up of a cross-
section of the sample were used to gain a theoretical perspective of how they participate in their respective municipalities in the decentralization of the decision-making process. A case study method was employed by the researcher through individual interviews, short focused conversations, observations and current emerging literature in South Africa.

The data were analyzed using descriptive and inferential statistics, which include tabulations, correlations and factor analysis. After capturing the data, the coding procedure was used to reduce the information to themes or categories based on the eight steps suggested by Cresswell (1994:154-155). After coding the data was analysed in order to develop the theory as it emerged. The data was conceptualized to find the underlying meaning and the emerging theory. Since this research used both the qualitative and quantitative approaches, it was necessary to link the two due to the nature of the study which encompasses those in authority and the civil society organizations. Based on the foregoing assertion, the interview schedule for the civil society organizations had fewer questions than the schedule for the managers and councilors. The data were collected on the pre-determined themes of the research indicated earlier in this study. The researcher integrated the themes and concepts into a theory that offered an accurate, detailed research. Based on the information gathered, conclusions were drawn and a critique was developed to support the argument.

5.3 THE RESEARCH PROCESS

The researcher has been in the employ of local government for the past 20 years and has observed the negative impact of the bureaucratic top down approach to decision
making which has disempowered the communities and stifled local development. Furthermore, the aloofness, rigidity and inaccessibility of local government from the civil society organizations prompted the research.

5.4 GOAL AND OBJECTIVES OF THE STUDY

The overall goal of the study is to develop an integrated creative model of the democratic, decentralised decision making process at the local level based on the principles of cooperative governance that would include technocrats, municipal councilors and civil society organizations so as to consolidate local democracy in South African local government. As indicated previously, predetermined themes/objectives were followed and it is worth noting that these themes were linked to each other and were not dealt with separately.

5.5 LOCATION OF THE STUDY

The study is located in South Africa, and its focus was six (6) metropolitan municipalities which are: the City of Cape Town, the Ekurhuleni, the EThekwini, Johannesburg, Nelson Mandela and Tshwane metropolitan municipalities. As indicated in Chapter 1, the Buffalo metropolitan municipality was not yet established as a metropolitan municipality when the study commenced, for this reason it was excluded. These metropolitan municipalities are the focal point of this study because of their strategic location in the urban and peri-urban areas. They are viable units of government for meaningful democratic governance and socio-economic development at local level. Of particular importance is the fact that they differ a great deal in terms of promoting and fostering participatory democracy of citizens in the decision making process.
5.6 RESEARCH SAMPLE

A purposive sample was selected on the basis of knowledge of the population, its elements, and the purpose of the research. The researcher selected officials at the management level, municipal councillors and civil society that would be able to understand the field of the research and the challenges of the municipalities. Babbie (1994:227) defines the purposive sample as “a type of non-probability sampling method in which the researcher uses his or her own judgement in the selection of sample members”. According to Babbie (1994:225), in using this sample method, the researcher must be well versed in the study area under consideration so that the selection of the precincts is based on an educated opinion about its representativeness.

This research sample was selected purposefully to meet the objectives of the study in the South African metropolitan municipalities. The municipal councillors selected were those in strategic positions of influence such as chairpersons of sub councils or mayoral committees who have vast knowledge of municipal operations and procedures. The selection of technocrats was based on their positions and their roles in terms of social and community development, policy making and decision making function. In-depth interviews were conducted with some of municipal councillors and officials during the completion of the research questionnaires. The main characteristic of the civil society organisations selected were individuals involved in the undertakings of their respective municipalities such as rate payers and interest groups. Therefore, being purposefully selected, the sample is representative of the key role-players in the functioning of the respective municipalities.
5.7 DATA COLLECTION AND ANALYSIS

The study embarked on various combinations of methods in collecting data and these included individual and focus groups interviews, observations, case studies, texts and documentations. Qualitative data were obtained from interviews with Senior Managers and Municipal councillors through a structured questionnaire with open ended questions. Focus group interviews were conducted among the individual members of civil society. Extensive data were collected through documentation and texts. Face to face interviews were also conducted with certain individuals by visiting the respective metropolitan municipality. Quantitative data were obtained from reading available literature such as reports, newsletters, text and documents.

Data were analysed by first reading and re-reading the questionnaires, followed by open coding. Data from respondents were validated and compacted through themes that the researcher considered are important. The identified gaps from respondents from civil society organisations compelled the researcher to further collect the data to complete the questionnaire. Since the study followed a thematic approach, pre-determined themes were developed and the data collected from different respondents were analyzed according to the themes.

5.8 CHALLENGES EXPERIENCED IN THE RESEARCH PROCESS

Research interview schedules/questionnaires were sent to all six metropolitan municipalities eliciting information from municipal councillors, senior managers and members of civil society who currently deal with these respective municipalities. Personal visits were made to the municipalities to gather the data. Although most
municipalities responded, there was a poor response from municipal councillors and members of civil society in some municipalities. The City of Johannesburg showed a poor, even after numerous attempts were made by the researcher to retrieve the interview schedules. The reluctance of some of the respondents to complete the schedules could be attributed to a lack of time. Local government is inherently unstable due to its nature of being politically driven. This posed a major challenge to the researcher such as the unceremonious changing of City Managers which destabilised the organisation. A typical example is the Ekurhuleni metropolitan municipality where the City Manager was suspended indefinitely creating a problem with regard to the approval of the research. In most instances the researcher had to start the process of applying again to the new office bearers. Furthermore, the alliance government in the City of Cape of Town created uncertainty in governance and this had an impact on the research.

5.9 ETHICAL CONSIDERATIONS

Since the study deals with human beings, due care was taken to ensure anonymity and information obtained from respondents remains confidential. Prior permission was sought from the institutions and individuals to interview the respondents and thus, confidentiality was assured. The rationale was to adhere to the highest technical research standards, objectivity, accurate reporting of methods, findings, and protection of the rights, privacy, integrity, dignity, and autonomy of respondents (Shepard, 2002:56).
CHAPTER 6

PRESENTATION OF DATA: CONCEPTUAL FRAMEWORK

6.1 INTRODUCTION

This chapter presents the data collected under the three themes which are: decision making, cooperative governance and the participation of civil society organisations in the municipal affairs. This chapter further consolidates data gathered from individual and focus group interviews, observations, and texts. The key respondents were municipal councillors, officials, civil society organisations, who are directly involved in the six metropolitan municipalities namely, the City of Cape Town, the City of Johannesburg, the EKurhuleni municipality, the EThekwini municipality, the Nelson Mandela municipality, and the Tshwane municipality.

In the following context, the ward committees and sub councils are regarded as the local structures in the municipality where certain decision making is expected to take place. Such decision making depends on the system each municipality has adopted in terms of the Local Government Municipal systems Act. A broad presentation of the results according to the predetermined themes of the study will be outlined.

6.2 DATA ANALYSIS

Data were collected through a combination of methods which included focus-group interviews, individual interviews, observations, case studies, documentations and texts. Predetermined themes were used to analyse the data:
6.2.1 ANALYSIS OF RESULTS AND FINDINGS

The results of the study are presented as follows:

1. Distribution of the respondents by metropolitan municipalities.
2. The extent of authority given to the respondents.
3. Are decisions taken through a participative and consultative process?
4. Conditions conducive for decision making.
5. Hierarchy of decision making in the municipalities.
6. Satisfaction with the level of participation of civil society organisations in decision making.
7. Decision making approaches.
8. Factors hindering local decision making.
9. Obstacles to inclusive participation in decision making.
10. Best structure for the decentralisation of power.
11. Cooperative governance at local level.
12. Working relationship between councillors, officials and civil society organisations.
13. Proposed interventions to improve participation of communities in decision making

6.2.2 DISTRIBUTION OF RESPONDENTS BY METROPOLITAN MUNICIPALITIES

On the whole, a total of 120 questionnaires were distributed and 67 respondents (who had completed the research questionnaires) were interviewed. These respondents were drawn from the six metropolitan municipalities. A purposive sample was taken from members of civil society organisations, municipal Councillors, and officials from the
respective municipalities. The distribution of respondents per municipality is shown in Table 1 below.

**TABLE 1: SAMPLE OF THE STUDY**

<table>
<thead>
<tr>
<th>SAMPLE</th>
<th>City of Cape Town</th>
<th>City of Johannesburg</th>
<th>City of Tshwane</th>
<th>Ekurhuleni Municipality</th>
<th>EThekweni Municipality</th>
<th>Nelson Mandela Municipality</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Senior Managers</strong></td>
<td>7</td>
<td>3</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>3</td>
<td>27</td>
</tr>
<tr>
<td><strong>Municipal councillors</strong></td>
<td>6</td>
<td>5</td>
<td>8</td>
<td>5</td>
<td>1</td>
<td>2</td>
<td>27</td>
</tr>
<tr>
<td><strong>Members of Civil Society Organisation</strong></td>
<td>6</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>13</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>19</td>
<td>8</td>
<td>13</td>
<td>12</td>
<td>6</td>
<td>9</td>
<td>67</td>
</tr>
</tbody>
</table>
Of the 120 questionnaires distributed, 67 (56%) were returned and a descriptive analysis was conducted in line with the following predetermined themes:

6.2.3 Respondents have authority to make decisions.

As can be seen in the Figure 2 below, most respondents reported that they have the authority to make decisions in their various municipalities (68%) and 32% indicated that they do not have the authority.

Figure 2: Respondents with decision making powers (N=62).

6.2.4 Are decisions taken through a participative and consultative process?

As indicated in figure 3 below, about 81% of the respondents indicated that decisions regarding council affairs are taken through a participative and consultative process. However, 19% of the respondents stated that decisions in their municipalities are not taken in a participative and consultative manner.
Figure 3: Are decisions taken through a participative and consultative process (N = 59)?

6.2.5 Conditions conducive to decision making.

To further ascertain how the respondents felt about the overall conditions in their respective municipalities with regard to decision making, Figure 4 indicates that only 35% were certain that conditions are favourable for decision making, 30% were somewhat certain, 22% a little certain and 8% not at all certain and 5% did not know.
6.2.6 Hierarchy of decision making process in the municipalities.

Figure 5 below reflects the hierarchy of decision making within the six metropolitan municipalities. 36% of decisions are made by the Mayoral Executive committees, 36% by the Full council, 12% by Portfolio committees, 10% by sub councils, and 6% by ward committees.
Figure 5: Hierarchical levels where decisions are made at the municipalities (N=107)

6.2.7 Satisfaction with the level of participation of civil society organizations in decision making.

Figure 6 below reflects that, among the 67 respondents who were asked how they felt about the level of participation of civil society organisations in their municipalities, 46% were fairly satisfied, 27% were not satisfied, 9% were very satisfied and 18% were very unsatisfied. The majority of the respondents indicated that they were fairly satisfied with the level of participation of civil society organisations.
Figure 6: Satisfaction with the level of participation of civil society organisations in decision making (N=66)

6.2.8 Decision making approaches.

There were surprising patterns in the approaches to decision making by the respondents. As indicated in Figure 7 below, the majority of the respondents revealed that 38% of decisions taken follow a bottom up approach, where the councillors make recommendations to the mayoral/portfolio committee and Executive council. In stark contrast, 28% of respondents indicated that the Executive Mayor and Executive Mayoral committee make decisions. However, 16% of the respondents stated that an all-inclusive structure exists at the local level consisting of civil society organisations,
councillors and officials to make decisions. About 13% indicated that councillors and officials make decisions. Only 5% indicated that, in some municipalities, none of the above approaches exists.

Figure 7: Decision making approaches (N=79)

6.2.9 Factors hindering local decision making.

Figure 8 below indicates that too much political interference at local level has been identified as a major factor hindering the local decision making process with about 34% of the respondents indicating as such. However, 30% indicated that there was no trust between community and the council. 21% stated that the mere fact that decision making was centralised in the mayor and council level, this hinders local decision making and 15% of the respondents indicated that municipalities are not transparent in their decision making.
6.2.10 Obstacles to inclusive participation in decision making.

As depicted in Figure 9 below, it became evident that communities are not adequately educated about the role of municipalities hence 33% of respondents reported that they did not understand the role of the municipalities, 23% of respondents indicated that politicians meddled in the administration. About 19% of respondents revealed that the voices of communities are silenced within their municipalities and 16% revealed that the prevailing rigid municipal structures did not allow community participation in decision making. Only 9% indicated that municipal officials and councillors were threatened by the role played by communities.
6.2.11 Best structure for the decentralisation of power.

As shown in Figure 10 below, 31% of the respondents indicated that portfolio committees and ward committees (30%) were the best local structures for the decentralisation of power, 27% preferred sub councils and 8% preferred mayoral committees. The executive councils were not very popular; as a result only 4% preferred them.
Figure 10: Best structure for the decentralisation of power (N=83)

6.2.12 Cooperative governance at local level

Figure 11 below reflects that most of the respondents supported the introduction of cooperative governance through the establishment of local level structures with decision making powers. As a result, the majority of the respondents (87%) favoured the introduction of cooperative governance at local level and only 7% were against this system. 6% were not sure.
6.2.13 Working relationship between civil society organizations, councilors and officials

Figure 12 below shows that about 73% of the respondents indicated that it was imperative for the three key role players namely; civil society organizations, municipal councilors and officials to work in tandem to improve service delivery and only 27% opposed this notion. Notably, civil society organisations were seen as one of the crucial role players in decision making.
Figure 12: Working relationship between civil society organisations, councillors, and officials and (N=56)

6.2.14 Proposed interventions to improve participation of communities in decision making

Figure 13 showed that only 16% indicated that more powers be delegated to the local level. Only 3% indicated that local structures (Ward committees and sub councils) be given absolute powers. The majority of the respondents (31%) stated that IDPs should prescribe community involvement and participation in all development programmes. Furthermore, 24% of the respondents indicated that local communities make submissions to the executive council. About 26% of the respondents indicated that in all council development programmes, community participation should be mandatory.
6.3 DISCUSSIONS OF THE RESULTS

6.3.1 Distribution of respondents by metropolitan municipalities

A total of 120 questionnaires were distributed and 67 respondents, who completed the research questionnaires, were interviewed. They were drawn from the six metropolitan municipalities by means of a purposive sample which was taken from senior managers, municipal councillors and members of the civil society organisations active in that particular municipality. According to Welman and Kruger (2001:63), purposive sampling is the most important kind of non-probability sampling. The study relied on their experience and previous findings to deliberately obtain units of analysis in such a manner that the sample obtained may be regarded as being representative of the
relevant population. These questionnaires appear as appendix 1 and 2. The first questionnaire focuses on the role played by senior managers and councillors, while the second questionnaire was administered to civil society organisations.

6.3.2 Decision making

Figure 2 shows that the majority of the respondents (68%) reported that they had the authority to make decisions in their various municipalities while 32% indicated that they did not have the authority. In essence, decision making is one of the cornerstones of cooperative governance. To achieve this at local level, it is crucial that key stakeholders operating at this level be given decision making powers to expedite service delivery. In the City of Cape Town, sub councils have been established to move decision making from the central level to lower level to ensure that councillors are not out in the cold when decisions are taken which impact their constituents. However, to date, 5 metropolitan municipalities have not yet devolved decision making to the ward committees and whether this happens remains to be seen.

There were surprising patterns in the approaches to decision making identified by the respondents. As shown in figure 7, the majority of the respondents revealed that 38% of decisions taken followed a bottom up approach, where the councillors made recommendations to the mayoral/portfolio committee and Executive council. This was a peculiar revelation as the general approach is that the Mayoral Executive committee and the full council make decision and these are higher level structures. In contrast, figure 5 revealed that 36% of respondents indicated that the mayoral committee made decisions. However, 16% of the respondents stated that an all-inclusive structure did
exist at the local level consisting of civil society organisations, councillors and officials to make decisions. Only 5% indicated that none of the above approaches exist in some municipalities and this is reflected in figure 7.

The decision making process has been described as a participative and consultative process. For this reason 81% of the respondents indicated that decisions regarding council affairs are taken through a participative and consultative process and only 19% disagreed with this notion (Figure 3). It is worth noting that, certain respondents might have misconstrued consultation with decision making and the study is dismiss this misconception.

With regards to the conditions for making decisions, about 35% were certain that there were conditions conducive for decision making at the various municipalities, 30% were somewhat uncertain, 22% were a little certain, 8% were not at all certain and 5% did not know. Such ambivalence from the respondents is an indication that there is a dire need for educating the community about the role of the municipalities. The creation of a favourable environment at a local level is necessary and lack thereof results in the tardiness of service delivery.

The study revealed that various factors hinder local decision making and the following became evident: too much political interference at local level has been identified as a major factor hindering the local decision making process with about 34% of the respondents indicating this. However, 30% indicated that there was no trust between the community and the council. About 21% stated that the centralisation of decision making in the mayor and council; hindered local decision making and 15% of the
respondents indicated that municipalities were not transparent about their decision making process (Figure 8). It is therefore, not surprising that local government in South Africa is frequently marred by civil society protests that demand better services. Classical examples are the usual township protests where communities -demand the provision of Antiretroviral drugs (ARVs) for HIV infected persons and also access to proper sanitation and potable water. This is a clear illustration that civil society organisations are cognizant of their rights and demand them when necessary, despite being financially supported by the government. This support does not deter them from demanding what is rightfully theirs.

Limited delegations are given to lower municipal structures such as sub councils (City of Cape Town) and this hamstring service delivery and whereas in other municipalities no powers are delegated to lower structures. Hence it is Reddy’s (1999:27) assertion that: central bureaucracies are reluctant to delegate “full-scale rights to the local or regional level... in the absence of such delegation, effective administration is impossible and some form of superficial decentralisation occurs”. This view is strongly supported by this study which reveals that centralization is an anathema to local democracy though the ward committees have been hailed by the South African Minister for cooperative governance and traditional affairs as a “new cog in the delivery machinery” Molefe (2009). This study revealed that, even though these structures were designed to bring about local democracy, they have proved to have no decision making powers. Hence commentators such as Jara (2009:8) argue that these structures only give space for some voice but lack decision making powers. When sub councils were introduced, one of the councillors was quoted in the Tatler newspaper (2008: 1-5) as stating sceptically:
“I think it’s a talk show because you can’t make decisions. It’s just passing information. The onus is on one person to spread the word to the rest of the community.” The time has come for local government to desist from philosophical buzz words such as claiming that the local structures such as sub councils and ward committees are the “epicentres of decision making” and all metropolitan municipalities should delegate decision making powers to these structures.

The above assertion was echoed by one of the members of the ratepayers and residents Association who said that sub council members “do not have any decision making powers and it really remains to be seen what will happen” (Tatler newspaper, 2008:1-5). This was a clear indication from the onset that the communities had reservations about what meaningful role this structure would play if it did not have legislative powers. The big question that remains is how ward committees can become the basic unit of governance at local level as alluded to by the Minister of cooperative governance and traditional affairs if these structures have absolutely no decision making powers. Significantly, the City of Cape Town is the only metropolitan municipality which has delegated certain powers to the sub councils, as a result certain decisions are taken at local level with regard to the granting of business licences for local activities, but the other five (5) metropolitan municipalities have no delegations to lower structures such as ward committees as they only have advisory powers.

One of the respondents aptly observed that:

“There must be a real dialogue with council around policies and decision making at ward level and currently, this is not happening”.
From the interviews it appeared that some of the officials are not aware of the significance of ward committees. They are perceived as time-consuming since they lack legislative powers, as a result, they are disregarded. There is a clear manifestation and growing acknowledgement of the failure of officials to broadly engage communities at many levels within the municipalities, especially at local level, on pertinent issues of services delivery. In the City of Cape Town, sub councils consist of ward councillors, a manager and support staff who deal with day to day issues, a portfolio committee oversees the department, monitors its performance, sets up policies (internal and external) and runs the directorate.

The following reason was advanced by one of the councillors:

“It is the delectation of certain political parties to centralise power, though I believe in decentralisation and in bringing decision making closer to the people. However, on the other hand, authorities do not want decisions made all over the country and prefer centralisation so that decisions are made fairly all over the country”.

This was further echoed by another councillor who responded as follows:

“I think the reality of politics comes in, because the person at the centre, the mayor, wants to control everything and once you give power to sub councils, the Mayor in my opinion might not know what is happening at the sub councils. Therefore, in order for her to know everything, all the important decisions must be taken centrally so that the mayor can influence these decisions”. 
It became evident that numerous councillors complain about the attitude of officials and the lack of cooperation from them. Another councillor had this to say:

“Officials do not recognise and respect sub councils, though some officials are wonderful and consult us on everything. This is because sub councils have never had any ‘teeth’. As a result, certain officials disregard them because they consider them to not know what they are doing. So some officials have not woken up to the fact that sub councils assist them in what they are doing. Some of them have political agendas though as a chairperson, I make an issue about officials who ignore sub councils because I am very strict about them. The problem is that the law does not specifically allow them to have teeth….. So we just consider them as talk shops …….. Limited delegations are given to sub councils but I am concerned because when you delegate powers you must also give finance to meet the local needs of the people and this is not happening”.

Recognition of ward committees/sub councils by officials is very limited and more often than not, officials have a tendency to bypass these structures on the pretext that they do not have sufficient decision making powers. However, one of the councillors emphatically explained the powers given to sub councils through delegated authority from the full council and urged officials to work in tandem with them. He commented as follows:

“Officials should familiarize themselves with sub council delegations and they will realize that these delegations can un-lock red tape and other stumbling blocks and will provide departments with opportunities to initiate programmes,
departments to establish partnerships with the appropriate sub councils.....this will enable them to tap into sub councils’ resources .....Officials must realize that these delegations have been approved by the full council, and they must study these delegations”.

As noted by Cameron (cited in Hadenius,2003:114), “sub councils can get delegated powers from councils while ward committees have advisory powers and are intended to be vehicles for local participation and democracy”. The City of Cape Town took heed of this call and established sub councils which, in terms of bringing local democracy to the community, are far better than ward committees which have advisory powers. Though these delegations are limited, it is better than not having powers at all. However, these delegations have been severely criticised by a respondent from a civil society organisation who could not understand their effect on developmental issues. He commented as follows:

“For example one of the delegations bestowed on sub councils is to comment and not to make decisions on liquor licence applications “so what do we do? If there is time, we take it to the ward forums for their input but invariably there is no time because we are given two weeks to do so, or we might not have a ward forum in that two week time frame, as a result civil society will provide comments on the application without a proper and extensive consultation process with relevant stakeholders and then the sub council will take the input from the civil society organisations though it should be noted that this is not inclusive, and pass on that input to the liquor board”.
Under these circumstances, sub councils are faced with critical challenges and one of the biggest challenges is to get items on the budget. One of the respondents who happen to be a councillor and a chairperson of a sub council sharply criticised the delegations given to sub councils which are not linked to a budget and his comments were as follows:

“In order to implement any local project you need a budget. And you will find that every sub council is experiencing a similar problem. It becomes difficult to get things without a budget. The only budget we have is for the smooth running of the office, like for photocopying. We do not have a budget outside that”.

The current delegations given to lower structures do not need finance, but for these structures to have proper delegations in order to meet the local needs of the people, such delegations must come with a budget. Delegations with no budget stifle the effectiveness of the sub council. At the moment if sub councils want something to be done, they rely on the officials to do it or it must be put in the next departmental budget. Delegations with no budget are a weaknesses currently faced by sub councils in the City of Cape Town.

The research further revealed that five (5) of the metropolitan municipalities which are Nelson Mandela municipality, EThekwini, Ekurhuleni, Johannesburg and Tshwane, but exclude the City of Cape Town, have established ward committees. It is important and relevant to the study to state that in devolving power to the local level, the City of Cape Town has made some progress when compared with the other five (5) metropolitan municipalities since it has established sub councils with certain delegated powers,
though these have limited participation from civil society organisations. The other metropolitan municipalities have no local structures similar to sub councils with delegated powers but only ward committees which play an advisory role similar to ward forums.

The above state of affairs begs the question of how the South African government can speak triumphantly in terms of a new culture of governance that locates the responsibility for achieving efficient and effective service delivery at the lowest level possible, and yet presently supports the five (5) metropolitan municipalities that still centralize legislative powers in their Executive Mayors or portfolios/mayoral committees? It remains fallacious for the government to claim to have incorporated a new culture of governance as long as the ward committees which have been adopted by the five (5) metropolitan municipalities country wide are not given legislative powers to make local democracy a reality in South Africa. The above assertion was confirmed by one of the councilors in the Nelson Mandela metropolitan municipality who aptly observed that:

“We have an Executive Mayor, ten (10) portfolio committees where each portfolio councillor heads up a standing committee and 120 councillors altogether. All matters of relevance in that area come to these committees yet communities have only observer role in these committees. There is no direct interaction with the community, before any matter is discussed at these committees. The ward councillors have the responsibility for discussing the agenda items with their ward committees and reporting back the views of the ward committee”.
Furthermore, the above councilor indicated that:

“In terms of the Municipal structures Act, there are various options that the municipality can adopt and the Nelson Mandela Metropolitan Municipality adopted an executive mayoral system that means we have an executive mayor supported by a mayoral committee which is there to advise the mayor. Most of the day to day functions have been assigned directly to the office of the mayor, and in certain cases the mayor calls on the support of the relevant mayoral committee member”.

In terms of the constitution there are certain matters that cannot be handled solely by the mayor but requires the full council, for example, the passing of a budget and of by-laws. It should be noted that the legislative powers in these metropolitan municipalities are solely vested in the mayor and the mayoral committee members and this is tantamount to centralisation of power and cutting out the lower levels. It is only exceptionally cases, such as land use matters, that go to standing committees after consultations with the ward committee. There are situations in which ward committees object to a zoning application. This is common in more developed areas where parochial interests are protected.

According to Steve Friedman (cited by Jara, 2009), participatory structures such as ward committees are “invited spaces- in which the government says “If you want to talk to us about this issue, this is how and where to do it”. However, these structures do not have legislative powers but only advisory powers and at times they do not exist. Further, Jara opines that:
“These are not popular spaces in which citizens set the terms of the dialogue with the government and .......what is also missing from these structures is power: These structures may give space to the expression of some voice, but have no meaningful decision-making powers”.

The general perception of ward committees is that they are just formal structures which serve the needs of the ward councillor more than those of the community at large hence one of the respondent’s comments was:

“Ward committees could be perceived as “conveyor belts” but being conveyor belts is not the only thing they can be considered to be. As they live in a defined area, they are able to articulate the needs of that particular ward but they are also charged with the function of assessing needs. We have moved in the last two years to get ward committee structures and other structures that support ward committees to be more active in assessing and feeding to us their actual needs. So, in that sense, when it comes to service delivery matters and the implementation thereof, this would be a top down approach, but in assessing of needs we have improved on basing our programmes on needs as reflected on the ground”.

There is a certain degree of overlap between ward committees and sub councils depending which model is followed. A flat structure is required to overcome the laborious process of decision making. This process requires municipalities, where lower structures have delegated powers, to have the right to send any request directly to whomever they see fit to handle the matter, such as the departmental head concerned,
the executive mayor, the full council or any structure of council for consideration. Portfolio committees play an oversight role by monitoring the departments in terms of their functionality. In other words, the Departmental head/Executive Director submits a monthly report outlining the performance or the non-performance of that department in order for the portfolio committee to perform its oversight role. From this, the portfolio can recommend to the mayor anything that the portfolio committee deems fit with regards to the functionality of that department. The portfolio committee is also responsible for the formulation of the by-law and policy. The portfolio committee further considers recommendations and amendments of any by-law. Whatever comes from the sub councils and portfolio committees will go to the mayoral committee and the full council makes the final decision.

All these structures such as ward committees and civil society are engaged in the sole purpose of getting their views and feelings across, but the final decision on any matter is taken by the council. No decisions are taken at any other level, although some of them may be taken by the mayor in consultation with the mayoral member and some of them by the full council. Currently, there are no delegations to the ward committees; they are treated as advisory bodies. This is a top down decision making system because councillors perform their duties without any consultation. It is important to note that the establishment of well functioning ward committees is a long process and communities still need to be educated about their role. Municipalities are still grappling with the problem of how to strengthen ward committees as an institution and have not reached the point where they could be more fully involved even if the municipalities so wished.
Though the Municipal structures Act stipulates that the mayor makes the final decision, basically it is the mayor and the members of the mayoral committee or portfolio committee that make recommendations to full council for the final decision on issues. The Mayor then makes the decision because of delegations vested in him/ her and must report to the full council depending on the nature of the decisions.

The above sentiments were echoed by one of the respondents:

“Definitely the sub council/ward committees are the appropriate structures not portfolio committees or mayoral committees. When powers of ward councillors are compromised they become ineffective and residents tend to revolt against them for not performing their duties as ward councillors. Therefore, the role of ward councillor will be side-tracked in the portfolio/mayoral committees if powers are taken away from ward councillors”.

One of the councillors who strongly supported sub councils as opposed to ward committees commented as follows:

“I cannot understand Cities like Durban, Tshwane, Johannesburg, Ekurhuleni, and the Nelson Mandela metropolitan municipality which have not implemented sub councils. I feel very sorry for their ward councillors because they are not given the opportunity to make meaningful contributions. Sub councils play a pivotal role in ensuring that area based service delivery takes place through the support of ward forums in every area. Ward forums include the following sectors: education, police, social development, health, business and rate payers associations. Each organisation elects a delegate to serve on the ward forum”.
The council compels the ward councillors to meet with their ward committees frequently in order to discuss issues that affect them. In the City of Cape Town, everything that is said at the ward committees gets recorded and sent to the sub council for ratification. Sub councils make recommendations on issues to the mayoral committee. Notably, ward committees are not established in all areas because of general apathy. However, when communities start showing interest in their development, then ward forums are set up for them.

6.3.3 Decentralisation of power

The study revealed that there is a strict hierarchy in the higher echelons of the decision making process in the majority of the municipalities. Decision making powers are bestowed on the following higher structures: 36% of decisions are made by the Mayoral Executive committees, 36% by the Full council, 12% by Portfolio committees, 10% by sub councils, and 6% by ward committees. This illustrates that, in essence, the decision making process in most municipalities is centralised in the Mayoral Executive committee and full council. The lower structures such as sub councils and ward committees have a minimal role in decision making.

As mentioned in chapter two, the major shortcoming of this approach is that it is based on the highly pervasive factor of public accountability which requires a clear cut hierarchy so that responsibility for decision making can be fixed. This discourages the active involvement of citizens in day to day activities, and procedures are envisaged as a complex ensemble of practices. Furthermore, the state has a tendency to dictate the terms of development, denying autonomy and localism. As a result, rules are unilaterally
created and then applied to specific cases. This was illustrated by one of the respondents who commented as follows:

“Sub councils cannot decide on many things but can only recommend issues to the council for decision. The portfolio committees are responsible for putting together by-laws and these by-laws are referred to council for a decision to be made. The mayoral committee always examines council decisions and the Mayor’s speech to ensure that deliverables are discussed and recommended to the council.”

The portfolio committees, and in some municipalities the mayoral committees, are the only committees that have any legislative directives because of the various policies and planning matters that they deal with. Mayoral committee members often get involved in the day to day activities of the council, as they are appointed on a full time basis and are directly involved in policy making.

Though a distinction is drawn between mayoral committee members and portfolio committee members with specific reference to the City of Cape Town, the mayoral team members are assigned specific delegations as opposed to the portfolio committee members who are just chairpersons of committees to facilitate discussions. Contrary to this, one of respondents indicated that technically, the mayoral committee members do not have delegations per se because they always consult the mayor and then make recommendations to the full council; therefore the Mayor has the delegations. The mayoral committee members only advise the Mayor. However, the Mayor can delegate
power to a mayoral committee member. This is a clear indication that power is centralised in the various municipalities.

One of the councillors made the following comments about the executive mayoral system:

“I don’t believe in the Executive mayoral system because Mayoral committee members can easily block matters coming from the Portfolio committee to the Mayor or full council. There is a duplication of functions and hierarchy between Mayoral and portfolio committee systems with specific reference to the City of Cape Town which uses both systems. In addition, Portfolio committee members are not full time councillors whereas the Mayoral committee members are full time councillors. As a result, the only recourse for me is to by-pass the Mayoral committee member and approach the party caucus to filter through my issues for approval at the mayoral committee. This way, I have the assurance that my policy has the approval of my party and gets to the mayoral committee”.

The study shows that power is highly centralised in the executive committees in most metropolitan municipalities and this was deliberately done to address the injustices of the past and the inequitable distribution of resources. When these have been addressed, it will be time to devolve power to the local municipal structures which are closest to the community.

As reflected in figure 10, the majority of the respondents indicated that portfolio committees (31%) and ward committees (30%) are the best local structures for the decentralisation of power, although, to a certain extent, sub councils were preferred by
27% of the respondents. However, the mayoral committees (8%) and the executive council (4%) were least preferred. The above results reveal that there are mixed feelings with regard to preference for either portfolio or ward committees as the best structures for decentralisation of power. This was asserted by one of the councillors who said:

“We proposed a unitary metropolitan municipality with ward committees as opposed to a municipality with sub councils because we had areas which were dominant in terms of population, budget, economical developed etc. The push for sub councils came from the right, because the right was stronger, was from affluent areas and sub councils were their next line of defence to protect their narrow interests and some remnants of their authority. It was in this political context that we came to a conclusion that to have ward committees would address problems and challenges before us and we also chose to go for executive authority.”

It must be emphatically stated that the sub council model followed by the City of Cape Town has certain legislative powers delegated to them, though they are not autonomous structures, as opposed to ward committees in other metropolitans. Notably, about 27% of respondents preferred sub councils as the best way of decentralising power. It may be desirable to have sub council structures because of the arduous matters that are dealt with from the top structures. However, the major shortcoming of this model is that the sub councils become mini-cities of their own within the local government. Inferences were made that the sub council model was created precisely to reintroduce Apartheid tendencies and that this would take the country back to the
Apartheid era which balkanized the metropolitan areas to affluent and non-affluent areas. The general perception is that sub councils follow the principles of a federal city. A federal city has regional structures with semi-autonomous powers to collect rates and their own budgets, and defined areas where they can make decisions and by-laws. In order to maintain uniformity in a federal city, the regional structure (in this instance the sub councils) will not pass a by-law which is repugnant to the council. Each mini-city is regulated so that there will not be too much deviation from certain processes and policies which have been put in place by the overall body. Which of the structures then, would be best for the decentralisation of legislative powers? The responses from respondents to this question were ambivalent and were as follows:

“Lower level structures such as ward committees and sub councils with legislative powers are imperative to speed up service delivery”.

The current decisions making process by portfolio/mayoral committees is tedious and protracted; therefore needs the local level structures to eliminate a lot of red tape and delays in decision making. The fore-going bears testimony to the fact that these structures are not ideal for decentralisation of power at the municipal level. More often than not, portfolio/mayoral committees are inundated with huge agendas and it takes an inordinate amount of time to make decisions. Much importance has been attributed to the role played by sub councils in shaping the local level decision making process because they expedite the processes to ensure that things happen, development takes place and service delivery is monitored at the local level. This was illustrated by the following simple example of land-use: an application in a local area to build a crèche goes to the portfolio or mayoral committee for a decision instead of being taken locally.
to the sub council or ward committee. To exacerbate the matter, ward councillors sit on ward committees or sub council and not at portfolio/mayoral committee level.

Another respondent also shared the following view on the question of the role of civil society organisations in the decision making:

“The Local Government Municipal Systems Act allows us to have more committees to enable civil society participation. Instead of having ward committees we opted for ward forums because ward committees are much regimented, as you can only have 10 committees which have to belong to certain sectors. Therefore, in the City of Cape Town we decided that we don’t want to be restrictive and we decided to have ward forums which operate in the same way as ward committees. Therefore, when it comes to ward forums in my area, I decided to follow the geographical route except with the business sector. Their role is to bring issues and queries to me as the chairperson and also to bring forward motions, and then I will forward those issues to the sub council”.

The social base of a political party plays an important role in determining the attitude that the municipality takes towards the model of governance it requires. The more a municipality seeks to identify itself with the groups excluded from traditional power structure, the more it feels inclined towards ward committees/sub councils. But if a new political party comes to power that has no intention of destabilising the existing power relations, then it might tolerate ward committees/sub councils, as long as they do not pose a threat to such relations. The case studies show that the municipalities are
neither keen nor interested in genuine decentralization, even if a new political party were to come into power and take a pro-stance on ward committees/sub council participation in direct decision making. It stops short of a devolution type of decentralization that might enable the local government institutions to function autonomously. Even though the municipalities are ward committee or sub council friendly, they are averse to the concept of decentralization of governance and direct participation of people in decision making. The study has brought to the surface a grim reality that the agenda for widening and deepening democracy has no priority in the programmes of political parties running the metropolitan municipalities. The above was observed from the following comments made by one of the respondents:

“In terms of delegations that have been given to sub councils there is no need for them to have legislative and executive powers, and because I don’t have to send matters anywhere else, I can make appropriate decisions, though any person can appeal against my decisions to special committees if they are not happy about them. The critical issue here is that one must not confuse the legislative and executive powers because these are based with the mayor and only delegations are given to sub councils”.

Power is centralised in most municipalities and this is perceived as the root of all evil because local structures such as ward committees which are at the coalface of the communities cannot exercise their roles in making decisions which benefit their respective communities. More often than not, in some local areas, community meetings are convened to consider proposals and development plans. Once all the views and
public input have been solicited, recommendations are forwarded to the council and resolutions are then taken.

The Executive Mayor in the City of Cape Town has delegated some of the powers to sub councils, for example, handling the renaming of streets or an application to close a road or to shoot a film. This is commendable and other municipalities can emulate this municipality. Most of the respondents supported the decentralisation to lower level structures and there were those who indicated that if requests were to be forwarded to the Executive Mayor, council would be hamstrung and be unable to do its job. Furthermore, this would be a cumbersome and redundant process because too many applications would have to go through the Executive Mayor resulting in time consuming delays and most probably the city losing too many economic opportunities through this laborious process. Specific in reference to the City of Cape Town, in 2006 and 2007, delegations were taken away from the Executive Mayor and brought down to sub councils in order to free up time and unlock the potential on the ground. Delegations were vested in the chairperson of the sub council not the entire sub council, if there was an urgent application; the Chairperson of the sub council took the decision then reported to the sub council so that he would not be accused of taking decisions behind the scenes. This approach creates unnecessarily red tape.

6.3.4 Cooperative governance

The most critical step in our analysis is the use of a consistent concept of cooperative governance and its implementation in local government. This constitutes the basic framework for governing. In an attempt to understand the extent of the implementation
of cooperative governance, the study had to ensure that there was a common understanding of the meaning of this concept which entails cooperation, mutual trust and respect between civil society, different institutions and spheres of government. Chatterjee (2004:4) asserts that the term governance is “the body of knowledge and a set of techniques used by, or on behalf of, those who govern”. People believe in strong democratic values and they make individual judgements concerning different institutions and how they are governed. The critical question is how cooperative governance is understood by the powers that be and how practically it is implemented in local government?

Concerning the above, the study revealed that there is a clear understanding of this concept. As a result figure 3 indicates that, 81% of the respondents indicated that decisions regarding council affairs are taken through a participatory and consultative process. However, 19% of the respondents stated that decisions in their municipalities are not taken in a participative and consultative manner. The lack of cooperative governance which in this context involves civil society organizations, municipal councilors and the technocrats at local level is a perennial problem at the aforementioned metropolitan municipalities. Overall, the majority of the respondents are mindful of the fact that this process should be a consultative and inclusive culture of governance that is adhered to by the municipalities.

Though the introduction of cooperative governance at local municipal level has been hailed by the Minister of cooperative governance and traditional affairs (Molefe, 2009), as being a new “cog” in the service delivery machine which is appropriate in facilitating local development and co-decision making, there was a surprising revelation (figure13)
that only 16% of respondents indicated that more powers should be delegated to the local level, and only 3% indicated that local structures (Ward committees and sub councils) are to be given absolute powers. The majority of the respondents (31%) stated that IDPs should prescribe community involvement and participation in all development programmes. Furthermore, 24% of the respondents suggested that local communities make submissions to the executive council and 26% indicated that participation in all council development programmes to be mandatory.

With regards to the working relationship between civil society organisations, councillors, and officials, it became apparent in figure 12 that these three key role players need to work in tandem to improve service delivery. About 73% of the respondents supported this joint working together and only 27% opposed the notion. Despite the lack of involvement of civil society organisations in decision making, they were seen as one of the crucial role players in decision making. Critically, intergovernmental and community relationship in municipalities is important, however the Local government bulletin (volume 11 (5), 2009:5) espouses that “uncertainty in the roles of the various municipal organs is common and widespread, in particular between politicians and managers”. It is on this basis that Jaap de Visser in the Local government bulletin (volume 11 (5), 2009:18) is emphatic that “there is a serious breakdown in the relationships between councillors and communities …evidenced by continuing community protests directed at councillors and municipal officials”. Such prevailing conditions are in conflict with the principles of cooperative governance which De Visser (2005:81) describe as an instruction by the constitution chapter 3 to the three spheres of government “to act in good faith and mutual trust”.

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The overall conditions in the sub councils and ward committees do not augur well for inclusive participation because of councillors who mobilise themselves along party lines. As a result, an adversarial relationship occurs between the community and the different political parties. In some metropolitan municipalities, meetings are held in advance to afford party members the opportunity to make collective decisions so that when the sub councils are convened pre-determined decisions are taken, but this was reported by certain respondents as tantamount to tokenism or “window dressing”. Special reference was made to the City of Cape Town with a committee called the Special Planning Land Use Management Committee (S.P.E.L.U.M) which has unlimited powers with regard to town planning matters without broad community consultation. One of the respondents claimed:

“The land use issues that are referred to the sub councils are issues that the S.P.E.L.U.M committee has already pronounced a decision on and they don't even caucus the decision.”

This kind of situation discourages and hinders equal participation amongst different role players. Metropolitan municipalities have, by and large, shown reluctance in institutionalizing a third stratum of government at the local level with decision making powers. Consequently, there is growing cynicism about these structures and this prevents participation and civic engagement. Norris (1999:258) supports this view that the eroding faith in government has discouraged conventional political participation which is generally understood to be a multi-dimensional phenomenon with different costs and benefits associated with alternative types of activities. However, from the
public administration point of view, it may be more important to generate attitudes like trust than political interest.

Notwithstanding the fact that the new South African democratic dispensation has opened more channels of participation and changing patterns of civic engagement, political cynicism has been singled out as the root cause of civic apathy in municipal affairs. According to Citrin and Green (cited by Norris, 1999:259), “if people don’t have confidence in the core institutions of representative democracy…they become reluctant to participate in the democratic process, producing apathy”. Political cynicism fuels protest activity ranging from peaceful demonstrations to violent actions such as public mass demonstrations and civil disobedience. Invariably, the alienation from representative democracy could mobilize citizens to express their dissatisfaction through civil protests. Therefore, in this context, the growing tensions between municipal councillors, technocrats and civil society organisations may be expected to lead to government instability. This has been illustrated by one of the respondents who said that:

“Councillors and officials talk to one another in these structures but they do not listen to the communities. The question is, when they meet and make decisions, who are they talking to? It seems they are basically talking to one another in these meetings. Because civil society can’t go there and talk unless the matter is on appeal and the people have a chance to comment before a decision is taken so this is the only time that they are allowed to talk. Our comments are not taken seriously because they come to these meetings with pre-determined decisions and give us little time to comment. Most of the time, they throw our comments into the dustbins. When we
go to these meetings we go there as observers and the council makes all the
decisions”.

Generally, there has been mistrust between civil society organisations and the
municipalities. As noted by Norris (1999:257), “a deeper reservoir of public trust is
generally thought to encourage voluntary compliance with the law, enhancing the ability
of governments to pass and implement effective legislation and raise revenue, without
the need for coercion”.

The above sentiment was echoed by one of the respondents who commented as
follows:

“Service delivery can happen if there is a good working relationship between
councillors and officials, but certain things happen in the councils because there
are officials who claim that in terms of the Local Government Municipal
Structures Act, councillors interfere with their work. Officials play subtle political
games and prefer that party to the other. This impact on service delivery.
Structures are designed by politicians who want to control power in one way or
another and party politics is a problem in local government. In South African local
government the people who are in party politics have nothing to do with the
ideology”.

The argument here is that the lack of participation by the civil society in influencing the
decision making process contributes to a decline in confidence in government.
Institutional confidence and government stability could be achieved through the
willingness of the state to accommodate divergent views when making decisions.
Without the crucial resources and capacity at the ward committee level, municipalities cannot perform well, and if government cannot perform, people become disgruntled, dissatisfied, and distrustful of it (Nye et al, 1997:4). As noted by Nye et al (1997:174): “Citizens are more trusting of politicians who share their concerns, and citizens are more accepting of political institutions that advance citizen interests.” However, in the South African context, the foregoing statement does not have credence, as civil society organisations are vigilant about their rights and always guard against being labelled sycophants of the government. As parties move away from the average citizen, mistrust becomes apparent. In general, trust in government is related to partnership with key stakeholders. The more accessible the government to its citizen, the more likely one is to trust the government. The process of entrenching democracy in ward committees has been growing, at the level of councillor and community interaction though this is not yet strong. Programmes in most metropolitan municipalities have been developed through interaction with civil society. Feedback meetings in terms of the formulation and adoption of integrated development plans (IDPs) are held with the public and this involves the entire political team supported by officials. In terms of the recognition and respecting of existing local structures such as the sub council, it became evident that officials do not attend meetings to present their reports. More often than not, officials do not attend meetings so that they can answer to some of the concerns that councillors may have and this makes them appear ineffective as councillors.

The study revealed that communities are deeply distrustful of government power and those who seek to exercise authority. Cooperative governance means different things to different people. As revealed by the research, for some it is a virtuous sign of mutual
trust, for others it is a device for communication through a consultative and inclusive process. It is associated with cooperation amongst the partners in governance and encompasses consultation, inclusiveness, and mutual trust.

6.3.5 Civil society organisations

In an attempt to elicit community opinions concerning their role in municipal affairs, an additional questionnaire was designed to gather the information required for this study. This questionnaire, called the interview guide for civil society organisations (Annexure B), complemented Annexure A which had a section on civil society organisations, and was administered to members of the civil society organisations which are actively involved in the six metropolitan municipalities. The purpose of this questionnaire was to determine a number of factors relating to their involvement in decision making, their understanding of the role of ward forums, ward committees and sub councils, and any mutual respect between civil society organisations, municipal councillors and officials. Of the 10 members of the civil society organisations who were interviewed, 15% were not suited to the purposes of this study for a variety of reasons, ranging from refusal to complete the questionnaire because of their busy work schedules to their inability to answer certain questions.

In terms of understanding the role of ward forums, ward committees and sub councils, some indicated that ward councillors exploit civil society organisations as a private source of information. Certain respondents indicated that certain councillors got information from them and used such information as ‘ammunition’ during council debates without any recognition or acknowledgement being given to the civil society
organisations, though others indicated that these structures carried the mandate of the community and delivered services according to the needs of the community and various sectors represented in these structures. The effectiveness of these structures was questioned by some respondents because of lack of the participation of civil society in governance as they were regarded as mere advisors of the ward councillor.

The lack of capacity in terms of skills development was cited as one of the reasons for civil society organisations not making a meaningful contribution to the debates ensuing from council deliberations. However, it must be pointed out that support from the government should not create dependency and rob them of their autonomy; although in the South African context, such a phenomenon is unlikely to happen, as evidenced by the civil society organisations which are frequently at loggerheads with the government and articulating their rights, despite being funded and supported by the government.

The study revealed that the communities are not optimally involved in the decision making processes since they are not fully represented at the municipalities. This is exacerbated by the system used to represent communities, which is based on party partisanship. Serious concerns about this were raised by some sectors of the communities that did not belong to any particular party, and who felt left out. The respondents felt strongly that participatory democracy was crucial at the local ward level for democracy to be meaningful. This was illustrated by the majority of the respondents (91%) who favoured participatory democracy at local level and only 4.5% who indicated that they did not favour this approach as well as 4.5% who were not sure. The fact that only 4.5% of the respondents were not in favour of participatory democracy, while 91%
favoured it, was a clear indication that communities are not optimally utilized at local level.

Various obstacles were identified as having the potential to hinder inclusive participation in decision making. The educational status of the community was linked to participation in decision making. However, the study revealed that communities are adequately educated about municipal activities. Figure 9 shows that, only 33% of the respondents claimed that they did not understand the role of the municipalities, 23% of the respondents indicated that politicians meddled with the administration, 19% felt that the voices of the communities are silenced, and 16% revealed that the prevailing rigid municipal structures did not allow community participation in decision making. Only 9% indicated that municipal officials and councillors were threatened by the role played by communities. On the question of councillors being threatened by officials, one of the councillors said the following:

“I think it is the other way around. Officials threaten councillors because when they are challenged by councillors they raise the issue of a code of conduct for the councillors so that councillors cannot comment on their work. As a solution, I think councillors must study the documents that govern councillors and officials, so that they know their role as councillors. Such knowledge will eliminate those threats”.

Marx (cited by Schmitt and Moody, 1994:3) states that alienation is “a crippling of body and mind” of being less than fully human and failing to develop ones full capacity. The alienation of citizens in the governing processes results in an adversarial relationship between the citizen and the state and the resultant relationship is in the nature of, as
Ramphele (2009:16) puts it: “a giver and recipient rather than a citizen and representative”. The inability of communities to shape their destiny renders them unable to define their identities and allows others to do it for them. Marx (cited by Schmitt and Moody, 1994:7) further observed that: “the alienated find themselves in a world not of their making, a world in which they are not active participants but the victims of impersonal forces.” Apathy prevails within civil society organisations when their engagement is not meaningful, real or practical in municipal affairs. According to one of the respondents:

“I hold the view that the ultimate custodians of democracy are the organs of civil society not the political parties. Political parties exercise power; where power is exercised there must be oversight and that oversight can only be provided by the organs of civil society. To put it more crudely, I don’t trust political parties to protect democracy. A political party is there to give effect to the desired outcomes. The guardians of democracy are the civil society organisations. In other words, the weak organs of civil society make democracy vulnerable.”

It became evident that ward committees do not represent the community. As one respondent puts it:

“Previously, ward councillors represented their constituents and they got in there through rate payers associations and were paid by the council. According to this new representation system, a councillor can be a ward or proportional representative and residents do not have a choice as to who will represent them
but the party has the choice. Basically, the political party decides who their councillor will be”.

The respondents from among councillors in the metropolitan municipalities with ward committees (the City of Tshwane, the City of Johannesburg, Ekurhuleni, EThekwini and the Nelson Mandela metropolitan municipality) when asked whether participatory democracy should be introduced at the local level, argued that participatory democracy does exist at the local level in terms of the relevant legislation. They claimed that, as councillors, they do interact on a regular basis with the communities and the electorate at large, and communities are afforded an opportunity to participate in integrated development plans and in the formulation of by laws. However, what they failed to understand was that ward committees are mere “spaces of voices” with no legislative mandate to make decisions.

The study revealed that there are very few civil society organisations that take seriously the need to comment on policy issues, regulations and procedures because they allege that their inputs are largely ignored. A typical example was the hosting of the Indian Premier Cricket in 2008. The South African government was only given two weeks’ notice to host the event and the City of Cape Town approved the request without any participation from the civil society organisations. One member of the civil society organisations said:

“We were not even given an opportunity to make representations to the council to voice our opinions and in the case of the Indian Premier cricket, nobody had a chance to have a say in the matter. They just went ahead and approved the
event. Ironically, municipalities make provision in their policy for situations where it may be difficult to consult the communities first, but municipalities unilaterally decide what those situations are and that is not cooperative governance”.

Since civil society organisations are composed of lay people who are often expected to comment on policy matters, there is a dire need for funding these organisations to enable them participate in municipal matters by appointing specialists to advise them on various matters whether it be health, libraries and zoning schemes, building matters etc. It is civil society’s assertion that, when funds are sufficient, they can hold community forum meetings to inform and educate the community about municipal processes and give people the knowledge that they need to be able to intervene at the correct times. As ordinary members of society they need to know the legislation that governs the municipalities, without such knowledge, they cannot challenge any official. There was a clear indication from the respondents that without knowledge of the legislation governing municipalities, communities will not be able to challenge officials. There was also an assertion that there is no equal playing field and no balance of power amongst officials, councillors and civil society organisations. They indicated that, there is no way that true participation with civil society can take place until civil societies are funded.

Furthermore, Marx (cited by Schmitt and Moody, 1994:58) posits that there are two notions of alienation: first, “civil society members are alienated from nature when they are placed in situations that prevent them from realizing their active potential. He termed this “estrangement” which basically means that people are marginalized and separated from their work and their creative nature”. Marx further states that the “alienated person becomes an “abstraction” that is, one isolated from the social whole”. In essence, the
alienation of civil society in municipal affairs reduces them to performing undifferentiated work which does not add value to the development of local government. The second notion of alienation according to Marx is that of facing alien powers (Schmitt and Moody, 1994:58), for example civil society plays a crucial role during local government elections and when elections are over they are no longer recognised. Most importantly, civil society “loses control over what they have contributed which is part of their human activity, in which one cannot recognize one’s own values or contributions and which is controlled by values foreign to one’s own” (Schmitt and Moody, 1994:58). It is evident that municipalities make decisions disregarding civil society and these decisions do not reflect their values or contributions. Such institutions take on a life of their own and pretend to be independent of human control (Schmitt and Moody, 1994:58).

There was a general perception from some of civil society organisations that, they prefer to contest elections on their own as opposed to party political affiliation, to give impetus to the role of the community in local government. Currently there is an antagonistic relation with the council, especially on issues that civil societies have researched but which are ignored when they are presented. However, the study revealed that, despite the fore-going assertions, there is a great need for cooperation between civil society and municipalities hence they need funding to challenge municipalities on certain matters. Alienation is bound to prevail when civil societies are prevented from reaching that ideal of being involved in decision making at local level. On the flip side, metropolitan municipalities alienate themselves from civil society by virtue of not allowing them to participate in the process of decision making and “preventing the communities from defining what it means to be a human being and
instead, imposing on them a conception of who they are, as a result, they start to mobilize civil protests against them” (Schmitt and Moody, 1994:46). Case studies have tried to identify the political variables that can explain the stance taken by the different political parties towards the institutionalization of local democracy through ward committees and sub councils. Political parties that seek to infiltrate peri-urban areas and expand their party organizations are inclined to create ward committees and sub councils.

Certain metropolitan municipalities have shown more interest than others in allowing alternative centres of political power to grow at a community level, while others have not tolerated even the establishment of ward committees and sub councils. A typical example is the City of Cape Town which has established such structures and given them limited delegated powers for decision making, and this was confirmed by one of the respondent who said:

"Fundamentally, the City of Cape Town is using a different model. The ward forum is a participatory structure which brings together interests groups. In a ward forum you can accommodate people with specialty for example people from agricultural society, business; so that when you have a dialogue you can accommodate different interests. The establishment of sub councils is to bring government closer to the people. Firstly, they play an oversight role by highlighting any shortcomings from municipal service delivery. Secondly, they monitor departmental heads. Thirdly, they play a role in identifying the needs of the people in that ward in order to influence the budget of that sub council. For example, if that sub council consists of wards which are in the development phases and require a boost in infrastructure or
“utilities, the sub council prioritizes these needs and takes them to the portfolio committees or to the full council for deliberation and consideration”.

The above observation indicates that these local level structures play an important role in town planning since delegations related to town planning applications are delegated to them. However, it is crucial that sub councils are capacitated in town planning matters because, if they make wrong decisions on a town planning application, the impact will be far greater than the decision they make because the ramifications of their decisions extend for many years, and councils have to live with that development whether the decision was right or wrong. This also impacts on the specific suburb and on the future development of the neighbouring suburbs. This might also set a wrong precedent throughout the entire metropolitan area. It is therefore the duty of the City’s administration to ensure that there are capacity building programmes and initiatives at the ward committee or sub council level. In general, there is a lot of emphasis and focus on capacity building at portfolio/mayoral committee level but there is less emphasis on capacitating the ward committees and sub councils yet they are very important structures because of delegations bestowed on them. It is significant that the study proposed that delegations of decision making should be given to sub councils and ward committees which are municipal structures. The study also revealed that various chairpersons of the sub councils indicated that they have delegations to amend or cancel sub division plans, though sub councils are misconstrued as “apartheid mini-councils”. In justifying the existence of sub councils, some of the respondents hailed them as good service delivery structures because they are area based delivery models, since the metropolitan municipalities’ areas of jurisdiction are very large. The only way
to implement city-wide policies is to do it through the ward committees and sub councils. For instance, one of the delegations is to identify the needs of the municipality as far as they relate to the functional local area. Another example of delegations given to lower structure is reviewing and evaluating community needs, and recommending appropriate comments on provincial draft legislations.

In general, most respondents from civil society indicated that participation in the municipal structures is a mere formality to meet the legislative imperatives and their input is not taken seriously by the authorities. However, the study revealed that 83% of the respondents agree with the notion of participatory democracy which is inclusive of civil society organisations and other key role players in local government. The political utterances by the South African Minister of Cooperative Governance and Traditional Affairs on an SAFM Radio talk show (21/10/2009) that: to speed up service delivery in the municipalities, developers should present their plans to ward committees for vetting and signing before the commencement of the project so as to assure good quality products in the end, leaves more questions than answers because at present these structures have no *locus standi*. This gives further credence to the claim that there is no willingness to give decision making powers to ward committees: instead, they are simply there to “rubber stamp” predetermined decisions. Paradoxically, the fore-going was illustrated by one of the respondents who gave the following reflection on the participation of communities or civil society organisations:

“Participation of communities in ward committees and sub councils depends on different process and approaches which are warranted by different matters. For example, if someone wants to erect posters on street poles, there is no
consultation. The other extreme is when passing a by-law, a full consultative process will be followed by public meetings or advertising through the media, through the internet or inviting people to make presentations to various sub councils or write directly to whoever is dealing with it. There are various ways in the sub council in which we allow people to make an input to the development of by-laws and policies. Obviously, when we are dealing with internal policy which has no bearing on the outcome, my committee (Town planning committee) is the only one which can make policy decisions without going to full council, so we identify matters which will make impact internally and deal with them internally”.

Clearly, political parties in control of the municipalities that seek to retain power at all costs are not interested in creating and empowering other social formations such as civil society organisations, rate payers associations and other non-governmental organisations hence they are averse to the ward committees/ sub council approach. This was aptly captured in the words of one respondent who said:

“Ward committees and sub councils in certain instances are controlled by the party in power. That is why when they come to power they change these structures to suit themselves. For example, when they form alliances with other parties, more structures such as sub councils are created and given to the new alliance partner to be in-charge of and such positions have huge salary packages as has been seen in the DA-led alliance in Cape Town. The portfolio committee is dominated by the party in power, and whether this is National or local government it is the same. I don’t think we need sub councils because I think they do very little. The most important element is money. If you look at the control of ward allocations by councillors, it is one or two percent of the
money that goes to the council. Councillors don’t have much control of what is happening in the council because the ward allocation is tiny. Every year they ask what projects should be done in the community and we submit ideas, but the big money is in the departments. They make decisions on what is going to be spent and the councillors have minimal influence on these matters. Therefore, the role of sub councils is limited to an extent. It is only when the civil society organisations are stronger that those structures will make an impact but while there is this power differentiation it is not going to happen”.

Certain public representatives display a degree of arrogance and selfish interests and want to control everything and retain power at all cost. This was noted by one of the respondents who indicated that:

“Invariably, I am credible to the people on the ground. In order to bring local democracy to the people, it is important to give sub councils more powers/delegations so that they can effectively deal with the needs of the people. Acting as a collective, I will not agree to give individual councillors delegations because individual councillors must not be given unfettered power/authority, they must act in consultation with the sub council. You cannot give ward committees/ward forums delegations because they are not elected representatives of the community, they don’t go through the same election process”.

Certain respondents held the view that, in local government, rate payers and civil society organisations must elect their representatives during the elections so that they
are accountable and answerable to them and not to a party. During elections individual candidates must conduct their campaign and get elected. The current system of electing councillors poses a big problem in this country because local governments are answerable to political bodies. One of the respondents suggested that councillors be answerable to civil society organisation not to a political party. However, the choice is limited because of the local government is inherently politically driven hence, more often than not, it is unstable.

The above is a manifestation of the obstacles and difficulties experienced by communities in making a meaningful contribution to council affairs. Remarkably, certain people are not educated and sub councils are mostly run in English or Afrikaans, and although there is an interpreter, it is not as easy to follow the interpretation as it is to follow the language that is being spoken. In certain municipalities an interpretation is only done when Afrikaans is being spoken, but when English is being spoken there is an assumption that everyone understands it, yet most people do not understand the English language and prefers to be addressed in their indigenous languages.

Norris (1999:10-13) has drawn attention to the unexpected compatibility between civil society participation and the political community. However, what do we mean when we use this ideologically charged concept- political community? According to Norris (1999:10), there is a five-fold framework distinction between political support for the community, regime principles, regime performances, regime institutions and political actors.
First, support for the political community is usually understood to mean “a basic attachment to the nation beyond the present institutions of government and a general willingness to cooperate politically”. This serves as a firm foundation for a stable nation-state. Hence Linz and Stephan (cited by Norris, 1999:10) observed that: “without the existence of a state, there cannot be a consolidated modern democratic regime”. The support of the government can only be measured by sentiments such as a sense of belonging, national pride and national identity.

Second, Norris (1999:11) refers to support for the core regime principles representing the values of the political system and further attests that such basic principles of democratic regimes encompass such values as freedom, participation, tolerance and moderation, respect for legal-institutional rights, and the rule of law. Such principles must include a core belief that democratic institutions such as municipalities are efficient and consistent with the true expression of the people’s will and listen to people rather than rely on the pronouncements of political forces and technocrats. Such a trajectory must have a collective support and must been seen as being practiced by municipalities when they conduct their day to day activities.

Third, Norris (1999:11) refers to the “evaluations of regime performance, meaning support for how authoritarian or democratic political systems are in practice”, though to measure this is ambiguous and difficult. Scholars, such as Mishler and Rose (cited by Norris, 1999:11), suggest that “we need to compare the current against the older regime, since this provides a common standard rather than comparing the current regime with an idealized conception of representative democracy”.
Fourth, Norris (1999:11-12) stresses that this focuses on support for regime institutions, and includes attitudes towards governments. The study revealed that in various municipalities, if there is too much political interference at local level, there is no trust between communities and the council, decisions are centralised with the mayor and the council, and municipalities are not transparent about their decision making process. Lack of trust can, of course, erode basic democratic rights and guarantees of civil society liberties such as freedom of expression and the right to due process resulting in decline of confidence in government institutions. The study also revealed that almost none of the metropolitan municipalities give ward committees powers to make decisions on matters presented to them by the communities but refer the matters to the portfolio committees. However, as alluded to in the previous discussion, the City of Cape Town has given sub councils limited delegations to make decisions on certain matters and this was clearly illustrated by one responded who asserted that:

“There is no legislation that says sub councils must have delegated authority but in Cape Town we decided to give delegations. These structures are closer to the people and you must remember ward councillors know communities better than councillors who are higher up in the portfolio/mayoral committees. This promotes local democracy. Therefore, I am very concerned about delegations. If you give delegations, you must also give finances and at this moment this is not happening. For example, if you have the delegation to fix a pothole, you won’t be able to do it because there are no finances; so what do we do”?

Lastly, Norris (1999:12) makes reference to the “support of political actors, including evaluations of politicians as a class and their performance”. The study revealed that the
political system in the municipalities is monopolised by the political actors who do not want to share the power they have acquired by accessing the state’s power structures through the electoral systems.

Following the above assertion, it is imperative to consider the relationship of “those who govern vis a vis those who are governed” as observed by Chatterjee (2004:4). The study revealed that the “governed” which is the community in terms of the Local Government Municipal Systems Act, must apply to address the sub council on any issue pertaining to local government administration. Their application is circulated to all residents, community, rate payer’s associations and ward forums, and it is only when comments have been made that they are tabled in a form of the report to consider public opinions. As Austin-Smith (1993: 800) argues, interest groups or lobbyists can influence policy through the specialist information that they offer to legislators.

Though this process is often seen by those “governed” as laborious and time consuming and delays policy implementation, on the flip side, this weighs up the balance of the greater community versus the applicants and enables the sub council to apply its mind after being spoilt with options by the broader society. The above will safeguard the decision makers against faltering in making their final decisions. However, when the matter requires urgent attention, provision is made to give such matters urgent attention and priority. When an urgent matter is dealt with at the lower level structures, measures must be in place to ensure that it is expeditiously handled within the confines and parameters of their delegations. But the critical point is that, the lower level structures such as ward committees must do more in terms of building capacity. This goes to decision-makers such as councillors, and officials. Ward
committees and sub councils must intervene constructively for instance, with contentious matters and refer them to upper structures when necessary.

Therefore, a paradigm shift from top-down development to bottom up development is needed because the alienation of the civil society organisations gives rise to violent protests as is evidenced by the current spate of civilian protests against municipalities, demanding speedy delivery processes. It is widely believed that the growing tensions between municipalities and civil society organisations will undermine cooperative governance, destabilise municipalities and hinder the consolidation process of this new democracy. Though it is critical that these three parties foster cooperative governance, this must not jeopardize their roles, independence and autonomy.

In the South African context, the lack of access in government to influence decision making processes frustrate communities, erodes and violates the prescripts of the constitution which advocate for cooperative governance. Notwithstanding the above assertion, it must be noted that democratic centralization was adopted by the South African government from 1994 as a crucial response to the prevailing specific conditions of the time, which amongst others, include inequitable distribution of resources by various tiers of government. This compelled the government to centralise the political and administrative arms of government to ensure that the injustices of the past are addressed in a coordinated manner, now that at least some of the major obstacles of governance have been addressed to a certain extent. The time has come for the South African government to devolve power as there are a multiplicity of credible democratic local structures such as ward committees and sub councils to address local needs. Due to the localness of these structures, civil society organisations can be invited to
participate in deliberations. Classical shortcomings of bureaucratic centralisation in South Africa have been manifested by the ineffective and redundant role played by provincial government which is juxtaposed with local and national government: Hence, there are strong recommendations to abolish the provincial tier to accelerate service delivery.

It is a common approach of metropolitan municipalities to have a hierarchical pattern of decision-making which is bestowed on the Council, Executive Mayor, and the Mayoral committee members and this resembles centralisation. When the officials are expected to comply with the policies of the political party in power, their integrity and autonomous authority is challenged and compromised. It can therefore be argued that many officials working in bureaucratic settings may be indifferent to the needs of the population as they are expected to serve and abide by the mandates and prescripts of the politicians and not democratic needs.

It is against the backdrop of the fore-going discussion that civil society organisations and social movements in South Africa have challenged the state approach in service delivery. In the recent past, there has been a rising crescendo of protests in the streets of many communities regarding the lack of service delivery from the government. This is despite being financially supported and capacitated by the government. The lack of consultation and a top-down approach to development can in fact be an instigator of grievances and protests which often occur where the municipality is not in touch with the local development concerns of the community. A classical example is the installation of toll gates in Gauteng province with consultation of communities. Such social movements (civil society organizations) possess the capacity to mobilize
resources and protest against the government in order to meet their pre-determined objectives. As stated by Holtz (2002: 21), social movements can mobilize their constituency and other sympathizers of the movement for collective action and have a primary political goal of raising awareness of issues and demanding the attention of authorities. A lack of consultation and inclusiveness still appears to characterize the municipality’s attitude to other role players such as local communities. This has manifested itself when the state is addressing the issue of eradicating informal settlements, provision of houses and other processes. The above indicates unwillingness on the part of officials and councilors to embrace diversity. Therefore, the establishment of local structures is necessary to enable municipalities to interface with communities and avoid such acrimonious relationships.

6.4 SUMMARY

This chapter presented the data collected in response to questions based on the four research themes. The responses indicated that a vacuum still exist in the various municipalities in terms of inclusive cooperative governance and civil societies are still disregarded as key partners in local government.

The evidence presented in the above discussion suggests that there has been a growth of more critical citizens who value democracy as an ideal but yet remain adamant and dissatisfied with the performance of their political and administrative system and particularly the core institutions of representative cooperative governance. The study revealed how the elements of cooperative governance such as cooperation, consultation, mutual trust and reciprocity between civil society, the different institutions
and spheres of government and inclusivity in decision making have been disregarded by the metropolitan municipalities. It became evident that there is no delegation of powers from the mayor and council to the ward committees and this result in slow service delivery.

Since there are no legislative powers bestowed to ward committees, ward committees are perceived as “conveyer belts” of information. In addition, the general perception of the respondents is that sub councils and ward committees are just formal structures which serve the needs of the ward committees more than those of the community at large. It became apparent that municipalities which seek to infiltrate local spaces such as sub councils and ward committees and expand their authority should bestow powers on these structures.
CHAPTER 7

SUMMARY AND CONCLUSION

INTRODUCTION

The preceding chapter presented data which negate the hypothesis advanced earlier in the study that cooperative governance is lacking at the local level in the metropolitan municipalities. The general observation of the study proved that there is adequate participation and consultation at the municipalities as revealed in figure 3. The study cannot conclude that decision making is taking place at a local level as some of the respondents might have misconstrued consultation and decision making as reflected in figure 2. In essence, consultation is the cardinal feature of cooperative governance but it cannot be equated to decision making. These findings should not be viewed as uncomplimentary to the hypothesis.

As an essential requirement for a qualitative and quantitative study, the research findings were validated to ensure their reliability. As Babbie (1994:124) warns, reliability does not ensure accuracy because different interviews get different answers from respondents as a result of their own attitude and mood on the day. Even though the study has revealed that 68% of the respondents claim that they had the authority to make decisions while 32% indicated that they did not have the authority. To a certain extent, it is only the City of Cape Town that has sub councils with decision making powers because of the limited delegations given to these structures. The other five (5) metropolitan municipalities have not yet delegated decision making powers to ward committees and such a move is still under discussion.
Furthermore, Babbie (1994:127) refers to validity as “the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration”. Significantly, the empirical aggregated findings do not reflect adequately on the real meaning of the concept under consideration, which is decision making, and by implication, cooperative governance. Therefore, the fact that local community organizations are consulted does not necessarily mean they are part of the decision making process. The study revealed that having ward committees or sub council structures is currently optional for the metropolitan municipalities, as a result, they are at liberty to decide whether to follow a ward committee or sub council based municipality. Ironically, the participation of civil society and communities is at the discretion of each particular municipality. It is the assertion of Darcy (2005:316) that, in a democratic organisation, there should be a “structural mechanism that places ultimate governing authority in the hands of the organisation’s membership” and in this context, this refers to the civil societies, officials and politicians. As indicated in the previous discussions in this study, Darcy (2005:316) emphatically contends that it is important for all organisational membership to have “direct participation in all important decisions or indirectly through the election of representatives. Additionally, it should have structural protections for the minority and checks on the power of the elected representatives” as well as the ability to make decisions. It is on this basis that commentators such as Jara (2009:8) assert that structures such as sub councils and ward committees only give space for some voice but lack decision making powers. In light of the theoretical framework and the specific research findings, a number of exploratory conclusions may
be drawn regarding decentralised cooperative governance in South African metropolitan municipalities and these will be explored in the following discussion:

7.1 CONSULTATION AND DECISION MAKING

Despite the empirically aggregated findings in Chapter 4 of the study which indicated that four of the six metropolitan municipalities- City of Cape Town, Nelson Mandela Metropolitan Municipality, Ekurhuleni Metropolitan Municipality, and the City of Johannesburg scored high on the litmus test of broad consultation with local community organisations, inferences and conclusions cannot be drawn that the decision making process is taking place at the local level structures. Though the study revealed that 81% of the questionnaire respondents indicated that decisions regarding council affairs are taken through a participative and consultative process, this should not be interpreted as if local organisations are part of decision making.

However, the study substantiates the assertion that consultation is a vital ingredient of modern democracy which is an interconnected component of decision making. The development of policies and modalities for implementation must be accompanied by the broader consultation which precedes decision making. In essence, this principle argues that transparency offers an important opportunity for citizen participation and the harmonization of the decision making process. Such an approach is always desirable to give a feel of what communities think of the proposed policy decisions. Hence in a modern democracy, communities are invited to send in representations to be considered during the decision making process in keeping with the spirit of democracy. It is on this basis that Klüver (2011:1) opines that “information supply is an important
instrument through which interest groups can exert influence on political decisions”. He further argues that decision makers operate in a highly complex and uncertain environment and often find themselves lacking sufficient information to arrive at a decision. Consultative submissions help them to make informed decisions. Fundamentally, when civil society organisations provide information to legislators (councillors), they “are able to shape the contents of policies as they can filter the information on which decisions makers base their political decisions” (Klüver, 2011:3).

This notion of civil society is substantiated by Austin-Smith (1993:800) who observed that “interest groups or lobbyists have no legislative decision-making rights. But nevertheless they can…….influence policy through the specialist information they offer other legislators”.

It is in view of the fore-going discussion that caution should be exercised not to equate consultation with decision making because in formal institutions such as municipalities, decision making powers are delegated to elected councilors, while consultation is a mere process of informing interest groups so that their input can help the legislators to make informed decisions. Invariably, consultation and decision making have been recognised as having a symbiotic relationship and consequently if the study draws inferences and conclusions that there is a decision making process at local level, it will be inaccurate. A critical revelation of this study is the interdependency of consultation and decision making which is a matter for further research.
7.2 CIVIL SOCIETY EMPOWERMENT AND SUPPORT

The historical development of civil society organisations in South Africa deprived them of opportunities to be self-reliant; as a result they relied on foreign aid for their survival. Since the advent of the new democratic South Africa in 1994, the government has been compelled to support and capacitate these organisations in the spirit of cooperative governance. This notion is supported by authors such as Klüver (2011:3) who posits that “the ability of the interest groups to supply information to decision makers is largely shaped by the material resources (staff and money) at their disposal”. However, it is important to note that: regardless of the funding and support of civil society organisations by the South African local government, experience has shown that they do not become lackeys of the government and do not connive nor collude with the government. This is often seen when they protest against the government demanding their rights. This is a clear indication of how empowered and astute they are about these rights.

Furthermore, this does not compromise their independence and autonomy as they continue to differ with the government when their rights are adversely affected. A typical example was the spate of civil society protest actions by Khayelitsha residents in Cape Town demanding suitable toilets from the government and rejecting the open toilets which were installed without consulting the end-users. In as much as they are funded and supported by government, they still revolted against the government for the de-humanizing services provided to them. In a nutshell, civil society organisations need funding for sustainability, so that they can work towards goal attainment and monitor what is going on.
Consultation does not mean that local community organisations are part of the decision making process but they merely influence what is about to happen in the council. There are no binding decisions taken during consultation. In as much as the post 1994 South African government has ordained universal access and community participation through the Local Government Municipal Structures Act 32 of 2000, which introduced sub councils and ward committees, the study revealed that these structures are not optimally utilised as it is still optional for the municipalities to have such structures. Currently, some municipalities are still battling to establish these structures.

7.3 THE EFFECTIVENESS OF COOPERATIVE GOVERNANCE

South African municipalities should adopt an inclusive decentralisation model to repudiate the decision making process which is conflated and condensed into a higher structure. Currently, this weakens the lower structures and makes it inevitable for power to be misappropriated by the executive and legislative authorities. Significantly, the inclusive decentralisation model aims at transferring real authority and responsibility to the ward committees, since they are strategically located at the local level in the municipalities. Sub councils and ward committees should form the cornerstones of such development.

Legislative powers should be assigned to the sub councils and ward committees to ensure that they are effective as opposed to the current system where only one metropolitan municipality (the City of Cape Town) has delegated powers to the sub councils. The rest have ward committees which are mere advisory structures. The establishment of local structures which have legislative powers might result in communities playing a meaningful role and real dialogue taking place unlike in the
present situation where community input is not highly regarded. Inclusive decentralisation is a means of achieving cooperative governance. The study proposes a new inclusive decentralisation model which entails putting in place structural arrangements and processes to empower local communities and facilitate local decision making. This joint decision making procedure was suggested by Warleigh (2002:30) who states that as the community develops, the areas of policy competence deepens and necessitates broader participation. This approach can be ameliorated and adapted for the South African context. The joint decision making will afford civil society, municipal councilors, officials and opportunity for conciliation if the parties could not agree on the content of decision being contemplated. As illustrated in chapter 2, this process must ensure that a bottom up approach is followed in decision making, involving a local structural arrangement that is inclusive of broader constituencies such as civil society (ratepayers associations, women, the business sector, the urban poor and marginalized) councilors and officials in decision making. The proposed model aims to prevent a more dominant group from exercising excessive pressure on the decision making body. Municipal officials are required not to be partial to political parties as this is detrimental to service delivery. In reality, municipalities are inherently politically driven: hence there are always political agendas and interference at local government level. Officials should not be given unfettered wide decision making powers without due consideration of community needs.

The study indicated that decision-making power is located at the upper echelons (municipal council) and, in most instances, the council gives the mayor executive powers to run the municipality in conjunction with the mayoral committee members but
excludes other key role players such as civil society organisations. For this reason, the Executive Mayors in the metropolitan councils retain more power to control everything and influence any strategic decision taken. All political parties have a set of core values, principles and objectives for which they seek approval from the electorate. Policies which are devised to give effect to such values, principles and objectives are in fact enriched by divergent views, so long as they are consistent with these core values. In order to exercise the principles of cooperative governance, the state has to forge inclusivity in decision making in local government.

The state gains credibility from its partners in local government if it moves away from sheer dominance in decision making and strikes a balance among its partners. However, under the situation, the state as the dominant force ought to be accorded respect by its partners. Ironically, in this case, the state does not enjoy respect from its other partners due to the absence of a favourable environment for co-decision making associated with cooperative governance. As a result, an adversarial relationship between these partners is prevalent in certain municipalities. If a favourable environment does not exist, the state will be unable to effectively mobilise the majority of the society to support its service delivery initiatives and imperatives. A consultative process in the early stages offers each decision maker an opportunity to operate with an open mind, which might result in an effective cooperative approach.

All nongovernmental organisations, community based organisations, the business sector, faith based organisations, rate payer's associations and other stakeholders who are actively involved in local government affairs should be captured in a database of the municipality to ensure inclusivity. Furthermore, stakeholders must be consulted and
they must respond appropriately when consulted. The advantage of local community consultation is that they know their circumstances and their pressing needs, unlike the officials who do not reside in these areas and are not au fait with the changes in these local areas.

As a general observation, the metropolitan municipalities’ greatest strength is also its greatest weakness. This is because the all-encompassing power of the executive which is entrusted with all the authority to make decisions in all the metropolitan municipalities has brought unprecedented coordination and control of processes but it has yet to develop a credible local decision making structure which is inclusive of the civil society within the area of their jurisdiction. It is for this reason that authors such as Henderson and Dwivedi (1999:133) purport that bureaucratic systems such as Executive Mayor and the Mayoral committee are characterized by dysfunctions, practices that hinder the accomplishment of formal organizational goals, such as: excessive aloofness, ritualistic attachment to routines, procedures, and resistance to change. It is imperative for inclusive decentralization to safeguard against such tendencies. In addition, Mainwaring et al (1992:231) illustrate how communities are frustrated and they blame the hierarchy of decision making which is not accessible to the communities even though they are the recipients of local government services. They further caution that such exclusion may alienate civil society and provoke civil disobedience. Consideration should be given to select civil society organisations to participate in local government since there are a broad variety of nongovernmental organisations operating in each area.

It is crucial for this process to be institutionalised. The institutionalised model will allow divergent views to influence policy through the creation and maintenance of effective
cooperative governance mechanisms. In principle, it is important that the local community be empowered to solve their problems and advocate for services in their local areas. The Executive Mayor approach, results in a centralised decision making process which delays service delivery hence municipalities are characterised by ongoing civil protests. Citizens should be given an opportunity to elect representatives to represent them at local government instead of political party representatives who are imposed on them and are not accountable to the communities but rather to their parties. A paradigm shift is necessary to pursue options through dialogues that take into consideration and respect a diversity of views and a plurality of methodologies and modalities. Since most civil societies are presumably conversant with the pressing needs of their local communities and endowed with indigenous knowledge, such a model will provide a platform for divergent views to be presented and will influence policy through participation in local structures. People should be given an opportunity to deliberate on the issues and make inputs. It is imperative for communication systems to improve. It does not help to give information to small groups in the community while keeping the rest of the community in the dark. Council should be transparent, honest and include everyone.

Therefore, a developmental model should be configured to ensure a move away from a society of passive citizens who do not participate in their own development but wait for service delivery from the government, as this promotes dependency. Communities should be actively involved in the formulation and implementation of programmes and projects. A consensus must be reached, minutes of agreements be noted and the
majority of decisions taken be recorded accurately. Time frames need to be set for all the decisions made and the evaluation processes be established. While views may differ, they often come from civil society with specialist knowledge and experience regarding the matter under discussion. These different views may then be channeled into a policy which would be based on experiential best practices and utilized to address those needs identified. The current local structures (Ward forums ward committees and sub councils) which are accessible to communities have no legal standing and cannot make any motion to the full council. Therefore, this has resulted in sub councils and ward committees in certain municipalities being regarded as “post boxes” and a waste of time. More meaningful consultation with the voice of the community being determinative will add weight to public input as opposed to the current municipal structures which are created to suit politicians. Significantly, municipal government needs must be driven by community needs not party needs. The language used in publishing a by-law for comment or during council meetings is not appropriate for the indigenous local communities hence these communities do not bother commenting or giving input on the proposed by-law.

The current local decision making processes are hindered by political interference and a lack of trust from communities, though certain decisions such as housing allocations are made with varying degrees of hindrance. Discussions at ward committees ensure that communities are involved in the policy process. The Integrated Development Plan and budget road shows in wards ensure policy influence. In certain instances, joint cooperation in the local structures is impeded by councillors who regard themselves as the only representatives of the communities. A lack of capacity and information gaps at
this level compound the problem. As a common phenomenon, there is no existing structure for joint cooperation to take place. If relevant councillors and officials can request input from communities, there will be greater transparency as well as a structured framework which will enable proper and effective decision making. There is a need to build trust and mutual respect.

7.4 THE SIGNIFICANCE OF COOPERATIVE GOVERNANCE IN SOUTH AFRICA

The study is based on the provision of Chapter 3 of the Constitution of the Republic of South Africa, 1996, section 41, which compels local government as the third sphere of government to adhere to the principles of cooperative governance. Fundamentally, inclusive decentralisation model forms the cornerstones of cooperative governance at a local level. A legislative prescript should be developed for this mechanism to be followed by the municipalities. The elements of cooperative governance such as imbizos (road show meetings by decision makers), consultative forums, and ward committees should be part of the communicating strategy with local communities and used as platforms to consult the constituencies. The proposed model introduces a new paradigm from the traditional system that bestows decision making power only on the executive mayor and councilors which is tantamount to political decentralisation.

The notion of cooperative governance at local government level complements the principle of the decentralisation of power. This introduces a paradigm shift which is contrary to the one in which state always dictates terms and conditions of development denying autonomy and localism. What makes cooperative governance at local level critical is that, for the first time in the history of local government in South Africa, the poor through civil society will be involved with the councilors and technocrats in decision
making regarding their economic development and improving service delivery. The continued fragmentation of these key role-players undermines institutional coherence at local government level. This requires co-operation, mutual respect and reciprocity between civil society, the different institutions and spheres of government, resulting in a consultative and inclusive culture of decision-making. The establishment of an alternative model at local government level will be better explained by incorporating the principles of cooperative governance.

The model aims at challenging the conventional wisdom of the top–down approach to decision making which has paralyzed local government institutions and negated the ideals and principles of democratic government. To put this into context, cooperative governance is a cardinal feature of local governance and greater emphasis should be placed on it in relation to the decentralisation of power. In order for cooperative governance to be effective, it is necessary that a synergy be developed between civil society, councilors and technocrats. This will create an enabling environment for the joint decision procedure to exist amongst these key role-players adding content to democracy at the local government level. It is anticipated that this inclusive participatory governance will yield positive results, if there is commitment from all parties through engaging each other in dialogues to accommodate divergent views and ensure that there are checks and balances to prevent uneven power sharing. Currently, these structures only give space to the expression of some voice, but have no meaningful decision-making powers. For them to remain relevant in this day and age and influence local democracy, legislative powers should be delegated to them unreservedly. This will enable these structures to be epicentres of power at the local level and give broader
meaning to the concept that cooperative governance refers, not only to spheres of government but also, is inclusive of civil society organisations in the co-decision making process. Only then will civil society organisations feel recognized and involved in decision making and be on an equal footing with the ward councillors and officials who are their local counterparts. Such a partnership at local level would demystify the suspicions and even cynicism which ordinary people often feel towards government, labeling it as inaccessible and remote to the people, not consultative and inconsiderate.

The proposed model presents a break away from the laborious and time consuming process of referring all matters to the portfolio/standing committees in the municipalities. It is crucial that decisions made by sub councils or ward committees should not be ultra vires or compromise the integrity of the council. It is only when the ward committees and sub councils have been given legislative decision making powers that they can be the hubs of service delivery machines.

The process will promote a greater convergence of ideas through political and inclusive decentralisation. The decentralisation of power enables civil society to participate in development decision making and the functioning of institutions. Relations between the three actors must be cordial, and involve a proper coordination of activities to avoid any legal disagreements among them. This is crucial, as previous local governments under apartheid were marred by fragmentation, dysfunctional and inaccessibility to local communities.

There is a great need for local government to display a degree of flexibility for territorial administration to achieve a close working relationship with communities and accommodate local needs and preferences as well as assuring a high level of
participation and representation. It is worth noting that any effort to move the state to local level will require a-political will. It must also be noted that councilors/politicians as elected representatives are accountable to their constituents and they are critical key role players in cooperative governance. Inclusive decentralisation in this context incorporates both representative constituencies and civil society. Their participation takes place in a sequential form: politicians are chosen and then they decide on policies as mandated by their constituents whereas civil society represents the non-political affiliates.

Mitlin (2004:6) suggests that, central to the heart of such initiatives is the right to increase councilors’ decision-making, with more localized citizen involvement in determining resource allocations. There are possible practicalities of power-sharing, especially in ways that include the poorest: such as the creation of conditions in which various interest groups can make choices about the goals they wish to prioritize. In modern politics, it is vital that politicians invent “new ways of doing politics,” though this should be done with circumspection so that they do not diminish their control over political resources (Grindle, 2000:1). Such audacious reforms are named “change teams” by Grindle (2000:9-10). Here, political actors, technocrats and civil society alter the decision-making dynamics to be friendly to reform initiatives. Bringing in a culture of local cooperative governance, opens up a platform for interacting with civil society. In the process they, improve their public image and remain relevant in modern politics.

Political actors should take a calculated risk to promote political reforms which might impinge on their power and open policy preferences to other nongovernmental actors. This brings a convergence of interests and promotes democracy (Grindle, 2000:10).
Since the advent of democracy, civil societies which were marginalized and ignored by the apartheid government have re-emerged as a force to be reckoned with but the major shortcoming is that they are still not part of the decision making processes. While they are perceived as weak, one cannot achieve anything in the community without consulting them.

Civil society must undergo the process which Ray and van Rouveroy van Niewaal (cited by Ntsebeza, 2005:20) term “syncretism”. This basically refers to a degree of adaptation and even opportunism in their bid to ensure survival. Civil society engagement, as illustrated by Rahim (2007:309), must not be “viewed in the narrowness of “birds of the same feather flock together”. But instead……..as diverse groups of people with a view to creating public solidarity based on pressing social issues that affect community life at large”. The lack of recognition of civil society results in constant sporadic protests against the state and the demand for a say in the functioning of local government and in the determination their destiny. This view is supported by Grindle (1996:155) who said that capable states must provide channels for civil society to be represented in decision making and in the monitoring of public officials and afford them the opportunity to participate in the allocation of public resources, and in the mediation of economic and political conflict. However, the state must not abdicate its responsibility to ensure that rules are enforced and complied with.

Hordijk (2005: 220-221) opines that synergistic relationships between the state and civil society in local governance can “create new associational incentives and spaces, allow a continuous and dynamic process of learning and, bridge knowledge and authority gaps between technocratic expertise and local residents”. According to Khothari
(1999:40), a successful and dynamic civil society would build democratic, rational networks to nurture or protect diverse political and economic pursuits. It is for this reason that democratic institutions and active civil societies are seen as important basic frameworks and preconditions to good cooperative governance. Such an environment creates an opportunity for local government to be receptive to the basic needs of the local populace. As indicated earlier, the clientele are the communities serviced by the state, and they have a critical role to play instead of being the end-users who are outside of the process.

This situation places a challenge and a heavy burden on leaders as they have to consult recipients in the entire process of service delivery. It is on this basis that Norris (1999:257) concludes that “it is rational and consistent, for citizens to believe in democratic values but to remain critical about the way democratic governments actually work in practice, or to have confidence in political institutions……or to trust each other but not elected officials”. Therefore, political support needs to be understood as a multi-dimensional phenomenon. Trust in politicians and support for democratic values must not be treated as interchangeable. There must be a general willingness of citizens to cooperate politically and it is a golden rule that without the existence of a state, there cannot be consolidated modern democratic values. It is for this reason that the basic principles of democratic states include such values as freedom, civil society participation, tolerance and moderation, respect for legal-institutional rights, and the rule of law (Norris, 1999:10).

No state can survive if it is alienated from civil society as anger and disaffection with government may spur civic engagement and disengagement as well, and if there is no
agreement about the boundaries of the state and civil society—then, ultimately, this can have serious consequences (Norris, 1999: 12-13). In order to achieve creative democratic and cooperative governance at local level, it is important to distinguish between support for the community, government principles, and political actors. If people cannot trust politicians, public officials and the state that performs poorly, then they may, in time, come to be disillusioned with democracy as an ideal, and this may have serious consequences, since public adherence to democratic values is usually regarded as necessary (Norris, 1999:26).

The confluence of state, technocrats and civil society organizations will create a system in which sharing of ideas will make public representatives much more responsive to the needs of the people. It makes metropolitan municipalities “more responsive, transparent and accountable and gives an opportunity to the ordinary citizens to learn the art of collective decision making through public discussions” (Gosh and Kumar, 2003:225). On the whole, the new culture of governance will be able to meet the constitutional requirements.

7.5 RECOMMENDATIONS

It is also important to point out that this study is by no means an exhaustive exploration of decentralised cooperative governance in South African metropolitan municipalities. Nevertheless, the contributions of this study to the empirical understanding and the best application of decentralised cooperative governance in the South African metropolitan municipalities include the following recommended principles and practices:

Municipalities should facilitate a collegial relationship and proper institutional arrangement amongst the civil society organisations, municipal councillors, and
technocrats which is vital in the decision making processes. This will also ensure that ward committees become the epicentres of service delivery despite fundamental differences that might emerge from time to time. It is necessary that ideas and decisions emerge from diverse backgrounds within an open and transparent platform embedded in the democratic ethos. However, the legitimacy of this model might be undermined if the relationship between the key role players is not properly managed. Civil society organizations, municipal councilors and technocrats should co-exist in a mutually reinforcing equilibrium in order to foster the principles of cooperative governance as enshrined in the constitution (Ginsborg, 2008:44). None of the stakeholders must be sacrificed and excluded from the council processes. As observed by Jara (2009:12), there is a need for “mass-embedded political leadership that must be autonomous… formal associational life amongst culturally and politically marginal poor households is thin, and often appears fragile and subject to conflict…this political disempowerment of poor communities weakens their capacity to challenge the very social, economic and political processes which marginalize them…Celebrated participatory forums such as ward committees….fail to address the political marginality of the poor”.

A reconfigured local council/committee should be established which will be composed of the local civil society organisations, municipal councillors, and technocrats. The linchpin of the success of this partnership is building trust and honesty across the different interests of these key role-players. This partnership can only thrive when a favourable environment is created for it. The convergence of the foregoing key municipal role players at a local level to make meaningful decisions for effective service delivery is
crucial. Though there is much intuitive need, the evidence on whether integration and convergence of key municipal role players actually contribute efficient gains and improve effectiveness is inconclusive. Therefore, the study seeks to provide insight into the potential influence of the integration of the key municipal role players in decision making on service delivery. There is also a need for direct influence and control of decisions made by the municipality and local communities to share and control their destiny. It is prudent that participation of the civil society organizations be through “consultations or decision making in all phases of the project circle, from needs assessment, to appraisal, to implementation, monitoring and evaluation” (Putu, 2006:9). Hence, Arnstein (cited by Putu, 2006:12) asserts that “there is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process”.

Effective decision making can be achieved through decentralised cooperative governance in South African local government. Effectiveness in this context refers to the degree to which services are responsive to the needs and desires of the community. An effective decision is what decision makers should aspire to achieve so as to promote local development. The role of ward committees should be radically redefined to ensure that delegated powers are given to these local structures in terms of the policy framework. Elected representatives (councillors) should retain their policy making role but delegate more decision making powers to the local levels without losing their accountability. This will accelerate service delivery. This model would build a successful system of multilevel cooperative governance and bridge the gap between municipal councillors, technocrats and civil society organisations. It is anticipated that, this will
improve the performance of the current inept, dysfunctional and ineffective sub councils and ward committees across South Africa. Local municipal structures cannot remain in a perpetual state of dysfunction with no legislative powers. Sub councils and ward committees would have fundamental legislative decision making powers delegated to them so as to give local democracy a laudable meaning which is real and practical. Bringing in local democracy is the basis of the constitution and good governance. Careful thought should be given to the manner in which the current sub councils and ward committees discharge their roles. This must be reconstructed and accorded the legislative powers if local democracy is to be relevant in the current South African dispensation. Increasingly, powerful sub councils and ward committees interface with the local communities and bypass the red tape which permeates the current local government system.

Authority must be devolved to lower levels. This is necessary because it complements the provision of budgets to enable them carry their delegated mandates. The above is analogous to the *panchayat raj* case study (Gosh and Kumar, 2003:224) which illustrated that decentralized decision making enriches the lives of citizens in three different ways: it has an intrusive value – it widens the scope of social and political participation; it has an instrumental role – by enabling people to express what they value and demand that political attention to be paid to it; it plays a constructive role – by guaranteeing discussions, debate and exchange of views in the public sphere.

7.6 CONCLUSIONS

The study examined the decentralised cooperative governance in the South African metropolitan municipalities. The overall goal of this study was to develop an integrated
creative model of a democratic decision making process at local level that is based on
the principles of decentralised cooperative governance which is inclusive of all the key
partners in local government. This would include civil society organisations, municipal
councillors and technocrats, so as to consolidate local democracy in South African local
government. The study sought to bring about a paradigm shift in the local government
decision making process, and contribute to the new body of knowledge of inclusive
decentralisation as a means to achieve cooperative governance.

The basis of this study is underpinned and complemented by chapter 3, section 41 of
Constitution represents the most distinct events to signify the importance of cooperative
governance. This chapter emphasizes cooperation of state institutions with other
relevant role players and the establishment of structures to promote relations.

Therefore, inclusive decentralisation has been suggested as an ideal model for the
implementation of cooperative governance in local government. The study highlighted
how the elements of cooperative governance such as cooperation, consultation, mutual
trust and reciprocity between civil society, the different institutions and spheres of
government and inclusivity in decision making have been given little recognition by the
metropolitan municipalities. This lack of decentralised cooperative governance at local
government level contradicts the tenets and principles of democracy as enshrined in our
Constitution.

Three predetermined themes were followed to arrive at this model. The objectives which
were based on the themes were intended to explore decision making, decentralisation
of power, cooperative governance and the role played by civil society organizations in
municipal affairs. In all of the six municipalities with the exception of the City of Cape Town, ward committees are perceived as “depositories of data at community level” (SA Cities Network, 2006:23), as a result, their lack of decision making powers is currently under review by the present Minister of cooperative governance and traditional affairs who by his own admission said, “ward committees are not properly resourced and whatever they raise does not find expression in the council…there is no platform from which issues in the wards are taken up in the councils” (Boyle, 2010:4). The findings of this study provide a framework for understanding the importance of cooperative governance which has significant theoretical and practical implications. The adoption of the cooperative governance system is likely to address problems of expediting service delivery and ensuring the delegation of powers to the local level. This will ensure a dynamic and smooth public administration process at a local level.

With the aim of achieving the main goal and objectives, the study drew from the experiences of six metropolitan municipalities in South Africa which are the City of Cape Town, the City of Johannesburg, the EKurhuleni, EThekwini, Nelson Mandela and Tshwane Municipalities. Significantly, the study has identified the limitations which are detrimental to cooperative governance in South African municipalities. The first is related to the political-administrative interface which complicates the relationship between councilors and officials, for example the political meddling in administration by councilors impacts on service delivery. The second is related to municipal councilors and officials not fully recognizing civil society organisations in decision making, resulting in an adversarial relationship between the three partners. The third is related to the lip service paid by government to cooperative governance which is philosophical but has
practical implementation. In order for this philosophy to have a meaning, its definition must not only be confined to government spheres but must be inclusive of civil society organizations in local government. The study contextualized the underpinning principle which is a paradigm shift from confining cooperative governance to state institutions to embracing civil society as key partner. With due consideration of the institutional, philosophical and theoretical framework which guides the decentralised cooperative governance model, policy makers would have to place greater emphasis on facilitation and empowerment of communities through their civil society organizations to be directly involved in the decision making process through cooperative governance with the authorities instead of being passive recipients of democracy. This will serve as a foundation to dispel the distrust that exists among the civil society organisations towards the municipal councilors and officials and the sheer trivialization of public participation mechanisms.

The theoretical and research findings suggest a number of potential research directions. Consequently, the following themes have emerged from this study that could be considered for further research:

- Consultation and decision making are interwoven; as a result they present a critical area for further research in the local government context. This study covers a complex subject that requires a critical understanding of the intricacies and interdependencies that characterise these concepts.
- The continued support and funding of civil society organisations which have the potential of weakening their independence and autonomy and might impede them in carrying out their watchdog role.
The above themes could provide policy makers with a further understanding of the factors that influence modern democracy.
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APPENDIX: 1

RESEARCH QUESTIONNAIRE: MUNICIPAL COUNCILLORS AND OFFICIALS
DECENTRALISED COOPERATIVE GOVERNANCE

Responded no:

Biographical Data

Sex of Respondent

Male……………………………………………………………………………………..1

Female………………………………………………………………………………………2

2. The name of your organisation: ……………………………………………………………

3. Your position in the organisation: ………………………………………….……………….

Decision making

4. Please answer yes or no to the following sets of question by encircling the correct answer.

A) I have the authority to make decisions in the council

Yes……………………………………………………………………………………...1

No……………………………………………………………………………………….2

B) I am not the prime figure of authority in decision-making in the council

Yes……………………………………………………………………………………...1
C) Decisions regarding council affairs are taken through a participative and consultative process
Yes.................................................................1
No......................................................................2

D) Someone else influences the decisions in the council
Yes.................................................................1
No......................................................................2

5. Do you feel that the overall conditions in your municipality are conducive for decision making?

1. Certainly.................................................................1
2. Somewhat...............................................................2
3. A little.................................................................3
4. Not at all...............................................................4
5. Don’t know..............................................................5

6. Which of the following delegations that your municipality has delegated to the local level structures such as ward committees or sub councils?

1. Granting of business licenses application for local activities..........1
2. Approving of applications for land use restrictions and rezoning......2
3. Granting or refusing an application for the sub division of land.......3
4. Granting application for special consent or conditional use of land....4
5. None of the above................................................................5

7. Do you think community is optimally involved in decision making process of the municipality?

Yes.................................................................1
No......................................................................2

8. Overall, how satisfied are you with the level of participation of civil society organisations in decision making in your municipality?
<table>
<thead>
<tr>
<th>Question</th>
<th>Response Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ver...</td>
<td></td>
</tr>
<tr>
<td>2. Fairly satisfied</td>
<td>2</td>
</tr>
<tr>
<td>3. Not satisfying</td>
<td>3</td>
</tr>
<tr>
<td>4. Very unsatisfied</td>
<td>4</td>
</tr>
<tr>
<td>9. At what level are decisions taken at your municipality?</td>
<td>1</td>
</tr>
<tr>
<td>1. Ward level</td>
<td>1</td>
</tr>
<tr>
<td>2. Sub council level</td>
<td>2</td>
</tr>
<tr>
<td>3. Portfolio committee</td>
<td>3</td>
</tr>
<tr>
<td>4. Mayoral executive committee</td>
<td>4</td>
</tr>
<tr>
<td>5. Full council</td>
<td>5</td>
</tr>
<tr>
<td>10. Do you feel that decision making is the sole responsibility of Municipal officials and councillors?</td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>Not sure</td>
<td>3</td>
</tr>
<tr>
<td>11. Should participatory democracy be introduced at the local level?</td>
<td>1</td>
</tr>
<tr>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>Not sure</td>
<td>3</td>
</tr>
</tbody>
</table>
Decentralisation

12. Who exercises the decision-making power in your municipality?

Executive Mayor .................................................................1

Council officials.................................................................2

Selected individuals and community members.........................3

Full council make decision for the local level..........................4

Councillors make decisions for the community.........................5

13. How is decision making power decentralised in your municipality?

1. The mayor and executive council make decision .....................1
2. Sub councils have delegated authority to make decisions...........2
3. Mayoral committees make recommendations to council..........3
4. The executive mayor makes sole decisions..........................4
5. Officials have full delegated authority to make decision for the council......5

14. Which of the following decisions are taken and implemented at a local level?

1. Licensing of business applications.....................................1
2. Land departure and rezoning of land..................................2
3. Establishment of ward forums...........................................3
4. Local structure makes recommendation to council to make a decision......4
5. None of the above............................................................5

15. Which of the following decision making approaches does your municipality is follow?
1. Bottom up approach, whereby the councillors and community makes recommendations to the Mayoral committees and Executive council ….. 1
2. Top down approach, whereby the executive Mayor and executive make decisions……………………………………………………………………………………………………….. 2
3. An all-inclusive structure is established at the local level consisting of
   Civil society organisations, councillors and officials makes decisions………..3
4. Council officials make decisions on behalf of the council.........................4
5. None of the above………………………………………………………………….5

16. Is decision making at the municipality the sole responsibility of municipal officials and councillors? Elaborate on your answer
   Yes ………………………………………………………………………………..…….1
   No ……………………………………………………………………………………. 2
   Not sure………………………………………………………………………………..3

17. Which of the following structures would be the best for decentralisation of power in your municipality?
   1. Ward committee…………………………………………………………………...1
   2. Sub council ………………………………………………………………………..2
   3. Portfolio committee………………………………………………………………..3
   4. Mayoral Executive committee……………………………………………………4
   5. Executive council………………………………………………………………….5

18. Besides the municipality, who else might participate in the decision making process, can you list them and their responsibilities toward realising this?
   1…………………………………………………………………………………………….1
   2 …………………………………………………………………………………………….2
   3 …………………………………………………………………………………………….3
   4……………………………………………………………………………………………..4
   5 …………………………………………………………………………………………….5
19. Do municipal councillors, officials and civil society organisations work together in your municipality?

Yes.................................................................................................................................1

No.................................................................................................................................2

20. If no, what is the best way to achieve this? (List them)

1........................................................................................................................................1

2........................................................................................................................................2

3........................................................................................................................................3

4........................................................................................................................................4

21. Which of the following factors do you think hinder local decision making?

1. There is too much political interference at local level .........................1

2. All decision making powers are centralised to the mayor and council.........2

3. Municipalities are not transparent about their decisions making process.................................................................3

4. There is no trust between the community and the council....................4

Cooperative governance

22. Do you think that a participatory approach can result in cooperative governance?

Yes.................................................................................................................................1

No.................................................................................................................................2

23. If yes, how do we ensure that their divergent views influence policy?

(Briefly explain)

........................................................................................................................................

........................................................................................................................................

........................................................................................................................................

........................................................................................................................................

........................................................................................................................................

24. If no, why is it not happening? (Briefly explain)
25. Do you think formal arrangements are required to ensure an inclusive process of decision making?

Yes ......................................................................................................................... 1
No .......................................................................................................................... 2

26. In your opinion do you think the lack of collective decision making with civil society organisations have a detrimental effect on the development of local communities? (Choose the appropriate answer)

1. Do you talk to politicians/councillors ............................................................... 1
2. Do you talk to municipal officials .................................................................... 2
3. Do you participate in decision making .............................................................. 3
4. I have observed the process of decision making in the municipality .......... 4

27. What factors impede joint cooperation at the local level?

1. Communities are not interested in Municipal affairs .................................. 1
2. Municipal officials are threatened by the involvement of communities ....... 2
3. There is no existing structure for joint cooperation to take place ................. 3
4. Councillors regard themselves as the only representatives in the community ........................................................................................................... 4

28. What is your understanding of cooperative governance?

1. Cooperative governance means cooperating with the council ................. 1
2. Cooperative governance means to be inclusive in decision making .......... 2
3. Cooperative governance means cooperation, mutual trust and respect 
   between civil society, different institutions and spheres of government .......... 3
4. Cooperative governance means cooperation only amongst spheres of 
   government ........................................................................................................ 4
6. Cooperative governance means consultative and inclusive culture of governance………………………………………………………………………5

29. How can cooperative governance be achieved in your municipality?

1. Talking to politicians.........................................................................................................................................................1
2. Giving lectures.................................................................................................................................................................2
3. Discussing with other people..............................................................................................................................................3
4. Reading newspaper.............................................................................................................................................................4
5. Establishing a structure to ensure a consultative and inclusive culture of decision making..............................................5

30. In your opinion, is cooperative governance necessary at local level?

Yes.........................................................................................................................................................................................1
No..........................................................................................................................................................................................2

31. At what level is cooperative governance taking place in your municipality?

1. Ward level ..............................................................................................................................................................................1
2. Sub council level .................................................................................................................................................................2
3. Portfolio committee level .....................................................................................................................................................3
4. Mayoral committee level ....................................................................................................................................................4
5. Executive council level .........................................................................................................................................................5

32. Do you see any benefits of cooperative governance at local level?

Yes ..........................................................................................................................................................................................1
No ..........................................................................................................................................................................................2

33. Do you believe that decentralised cooperative governance can facilitate local development?

Yes ..........................................................................................................................................................................................1
No ..........................................................................................................................................................................................2

Civil society engagement

34. Do you think civil society organisations can play a meaningful contribution in the decision making at your municipality?
Yes…………………………………………………………………………………………… 1
No…………………………………………………………………………………………… 2

35. If yes, indicate by selecting which of the following contribution they can make:

1. Local economic development ................................................................. 1
2. Influencing policy decisions................................................................. 2
3. Conflict resolution between municipality and communities...................... 3
4. Improving the lives of their local community......................................... 4
5. Ensuring that rate payer’s money is effectively and efficiently utilised................................................................. 5

36. How can municipal councillors, officials and civil society organisations cooperate with each other in your municipality?

1. By having an appropriate structure to meet on a regular basis................................. 1
2. By ensuring that all role players participate in the decision making of the Municipality................................................................. 2
3. This must be made mandatory by the Executive council................................. 3
4. This must be a legislative requirement................................................................. 4

37. Do you think that communities participate in the decision making process of your municipality?

Yes......................................................................................................................... 1
No......................................................................................................................... 2

38. In your opinion, what do you perceive to be obstacles with regard to inclusive participation in decision making?

1. Politicians meddling with administration....................................................... 1
2. Rigid municipal structures............................................................................. 2
3. Voices of the communities are silenced…………………………………………3
4. Communities are not educated enough to understand the role of the municipalities…………………………………………………………………………………4
5. Municipal officials and councillors are threatened by communities……….5

39. What can be done to ensure local participation in decision making?
   1. Establishing of local forum.................................................................1
   2. Ward forum.....................................................................................2
   3. Continue with the existing structures..............................................3
   4. Delegation of powers to sub councils.............................................4

40. The following is a list of possible actions which your municipality can take in order to attract collective participation of civil society organisations, councillors and officials: (Indicate what you think is appropriate)
   1. Ward meetings................................................................................1
   2. Sub council meetings.....................................................................2
   3. Workshops......................................................................................3
   4. Imbizo’s/Roadshows.....................................................................4

41. Critical assessment of existing forums whether they are inclusive and committed in open decision making
   1. Yes..................................................................................................1
   2. No.................................................................................................2
   3. Do not know..................................................................................3

42. Have you experienced any problems/obstacles in trying to suggest best practices to improve service delivery in your municipality?
   (Choose the appropriate answer)
   1. No existing structure for involving individual/organisation ..............1
2. I was ignored........................................................................................................2

3. I was considered a threat.....................................................................................3

43. What interventions would you propose to improve participation of communities in decision making process?

1. Local level powers to be given absolute powers to make decisions with local communities........................................................................................................1

2. Local communities to make submissions to the executive council..................2

3. More powers to be delegated to local structures.................................................3

4. Integrated development plans (IDP) should prescribe community participation..................................................................................................................4

5. Participation in all council development programmes......................................5

Thank you for your cooperation.
1. How is your organisation involved in decision making within your municipality?

2. Would your communities make meaningful contributions at the ward forums/ward committees or sub council level?

3. What do you understand about the role of ward forums, ward committees and sub councils?

4. Are civil society organisations empowered to debate issues in your municipal meetings?
5. Would you say there is participatory democracy in your municipality?

6. Do you think there is mutual respect between civil society organisations and municipal councillors or councillors feel threatened by your role?

7. Are civil society organisations taken seriously by municipal councillors and officials?

8. How decentralised is decision making in your municipality?

9. In what way would you like to be involved in municipal affairs to ensure that you are effective in decision making? (Indicate which is appropriate)
   a. Civil society organisations to allow their members to run for local government elections and become answerable to the organisation not to the political party……………………………………………………1
b. Elected ward councillors to represent communities and remain answerable to the political party.

10. When by-laws are promulgated in your municipality do you take part, if yes, please elaborate?

Thank you for your cooperation.