INVESTIGATING THE DEVOLUTION OF DECISION-MAKING IN THE NELSON MANDELA BAY MUNICIPALITY

S ADAMS

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INVESTIGATING THE DEVOLUTION OF DECISION-MAKING IN THE NELSON MANDELA BAY MUNICIPALITY

BY

SANDISWA ADAMS

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The questionnaire respondents, for their valued contributions.

Lastly, to the spur that pricks the sides of my content - my alter ego and inner-child.
DECLARATION

I, Sandiswa Adams hereby declare that:

- The work contained herewith is my own
- That all sources of data have been acknowledged and properly referenced
- That this treatise has never been previously submitted in its entirety or in part at any institution of learning
ABSTRACT
The research investigates the devolution of decision-making at the Nelson Mandela Bay Municipality (NMBM). The research sets out to investigate the extent to which the Municipality offers resources to its politically elected representatives and whether the support enables a devolution that includes local citizens in decision-making. The study was demarcated within the NMBM, using an empirical survey, a population group composed of councillors and officials who work very closely with politicians in mobilizing the community in public participation. The data collection tool of choice for the study was a self-administered questionnaire, supplemented by document analysis, unstructured interviews and the researcher’s observations.

The purpose of the study is to investigate reasons why devolution is not having the desired results at NMBM, Investigate and find alternatives to how devolved decision-making can be enhanced, using the viable local political process at the NMBM and similar municipalities.

The study argues from a theoretical base of good governance and public participation. The findings made were inter alia: Politicians in public office are not using the resources at their disposal optimally; tussles amongst politicians and with officials do have a negative effect on devolved decision-making; and vandalism and closing down of ward council offices are not purely a reflection of a ward councillor’s failure to account to the constituency, and the ward committee system at NMBM has not since 2009.

The recommendation is that deliberate efforts need to be made to establish democratically elected ward committees in all sixty wards of NMBM. The establishment of ward committees has to be a joint effort between political office bearers, the broader political landscape and officials as previous efforts have failed to produce legitimate structures. The politicians and officials need to work
together to win over public opinion and community buy-in towards the establishment of ward committees that are representative and functional.
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PROPOSAL: BACKGROUND AND PROBLEM

1.1 INTRODUCTION
The research is an investigation on how local government devolves public decision-making to the community. Owed to the country's historical narrative, South Africa is by nature a developmental state, with the Government in all three spheres continuously trying to find better ways of engaging with the citizenry and other role players. South Africa as a developmental state is always trying to find ways of making the system work in favor of including communities in development planning and participatory governance. The study focuses on how the Nelson Mandela Bay Municipality (NMBM) empowers its office bearers with the resources they need in order to involve the community in decision-making authority.

Chapter 7 of the Constitution of the Republic of South Africa, 1998 (Act of 1996) (151 (1)) explains that local government consists of municipalities, which must be established for the whole territory of the Republic. The demarcated area for the study is the Nelson Mandela Bay Municipality (NMBM) which is a Metropolitan Municipality in the Eastern Cape Province of South Africa (SA). A metropolitan is a Category A municipality, which is one among three categories as outlined by the Constitution and according to the Municipal Structures Act (Act 117 of 1998). “Category A is a municipality that has exclusive municipal executive and legislative authority in its area” Constitution of the Republic of South Africa, 1998 (Act of 1996) Chapter 7 (155). Local Government: Municipal Structures Act (Act 117 of 1998) Chapter 2:

2. Areas that must have Category A municipalities:
An area must have a single category A municipality if that area can reasonably be regarded as-

(a) A conurbation featuring-
(i) areas of high population density;
(ii) an intense movement of people, goods, and services;
(iii) extensive development; and
(iv) multiple business districts and industrial areas;
(b) a centre of economic activity with a complex and diverse economy;
(c) a single area for which integrated development planning is desirable; and
(d) having strong interdependent social and economic linkages between its constituent units.

According to Hawker and Waite (2009: 252) the term devolution is defined as “a transfer of power from central government to local or regional governments. To devolve is to transfer power to a lower level (devolve on or to) (of duties or responsibility) pass to”. Wunsch (2000) explains that “Devolution refers to the distribution (or re-distribution) of authority to make decisions and to take action by local governments independently of central administrative oversight”. Devolution of powers and responsibilities to lower level of authority is a legislated stipulation from the Constitution of the Republic of South Africa of 1996, Section 156 (4):

**Powers and functions of municipalities**

(4) The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 and Part A of Schedule 5 that necessarily relates to local government if—

(a) that matter would most effectively be administered locally, and

(b) the municipality has the capacity to administer it.
The functions assigned to municipalities according to the above constitutional citations are not exclusive to water and sanitation services, air pollution and public health services. The full schedule and definition of functions will be provided as annexure A of the investigation. The NMBM has departmentalized decision-making of services as compartmentalization of administration is legislatively correct. The nine departments the NMBM uses to administer decisions and discharge services are elucidated in the first chapter that establishes the context of investigation.

1.2 DEVOLUTION OF DECISION-MAKING AND ITS IMPORTANCE

Wunsch (2000) explains that the difference between devolution and decentralization/deconcentration was first developed in the 1950’s and that one must never be mistaken for another when analyzing local government systems or describing patterns of decentralization reforms. According to Wunsch (2000) devolution exists if local entities have substantial authority to hire, fire, tax, contract, expend, invest, plan, set priorities and deliver the services they chose. Deconcentration, in contrast, occurs when local entities act largely as the local agents of central governments, manage personnel, and expend resources allocated to them by central government authorities. Deconcentration refers essentially to the redistribution of central resources to localities on the sufferance of those central authorities. Therefore, in that context, devolution is interlinked but different from decentralization.

Below are some of the factors on the importance of devolving decision-making:

Autonomy – revenue collection and management are used as a barometer to measure the competency of a municipality and how much authority it can manage. Municipalities that optimize on available revenue sources are devolved more decision-making powers by the higher spheres of government, and in turn are in a better position to include the community in more decisions made.
“Devolution of sources of revenue, especially autonomous tax authority largely determines the nature and the effectiveness of urban governance” Gangadah (2005).

Shared responsibility - by devolving decision-making functions central government shares some of its responsibilities to role players. The shared responsibility could be intergovernmental – meaning that provincial and local authorities share in the pressures, successes of an enabling service delivery environment. Organized concerned groups and the broader society can also be part of the shared responsibility. “There is a need to create strategies of shared responsibilities between the state, the market and society; to move towards a stake-holding where different actors construct shared strategies” Haines (2012). In its report the Centre for Public Participation (2007: 08) stated that participatory governance could be promoted in order to handover responsibility for services and promote community action and to empower local communities to have control over their own lives and livelihoods.

Legislative requirement – municipalities devolve the shared responsibility of making decisions because they (municipalities) need to comply with legislative requirements. The statutory framework is as listed in section 1.11.1 of this chapter.

1.3 UNDERSTANDING DECISION-MAKING
Decision-making is based on considerations of facts and values. Officials will supply the facts to the executive political office-bearers, but the community will determine the values and this must be taken into account by politicians when making a decision. Decision-making means choosing a preferred action from two or more alternatives; furthermore choices can be active or passive (Cloete, de Coning and Wissink, 2007: 167). There are values and principles informing decisions made in any household or collective society. In the case of NMBM the
contemporary belief system is informed by values and principles contained in the statutes: access, accountability, commitment, consultation, diversity, empowerment, openness and transparency, flexibility, information and redress (NMBM Public Participation Policy of 2012, Section 4). These principles that are the foundation of decision-making in South Africa are said to be espoused in the supreme law of the land and in the White Paper on Transforming Public Service Delivery, Notice 1459 of 1997 (popularly known as the Batho Pele Principles document). Balanced out with facts of the context in which service delivery is implemented at NMBM, these guiding principles are the generally accepted base from which public representatives are expected to make decisions on behalf of and together with the masses.

1.4 A VIABLE LOCAL POLITICAL PROCESS AND DEVOLUTION
In this study the researcher argues that a viable local political process could be utilized to devolve local government decision-making and planning to the citizens and therefore achieve effective service delivery. A local political process ensures inclusive governance with all stakeholders. “A viable local political process includes an active civil society, some general political organizations (e.g., factions, parties or their surrogates), a legislative arena, opinion leaders, their public and mechanisms to gather and spread information”, Wunsch (2010). The NMBM is cognizant of the importance of its political component and hence the Councilor Support Policy to be discussed on chapter two as part of the literature review. Chapter two will unpack the party-political and demographic representation of councilors as stated in the IDP. More specifically the researcher has resolved to investigate adequacy of the following support provided by NMBM to its councilors:

- training and development
- provision of facilities and resources
- ward committee structures
The next sub-heading will formulate the research question.

1.5 RESEARCH QUESTION
The research question reads:
“How does NMBM enable its political office bearers to execute their role in devolution of local government and does this enhance effort to include the community in service delivery decision-making?”

1.6 RESEARCH SUB-QUESTION
- What is meant by devolution at Local Government level?
- What is the legislative framework that governs devolution?
- What are the functions, roles and responsibilities of political office bearers in devolved decision-making?
- Why must local government aspire to devolve power to its citizens?
- Which structure/s of NMBM has a mandate to deal with the devolution?
- What is the appropriate literature available?
- What are the perceptions, attitudes and behavior of elected political representatives regarding the devolution in its current form?
- What do officials feel about devolution in its current form?
- What are the strategies and mechanisms that could be put in place by NMBM to better support politicians in devolving government?

1.7 RESEARCH OBJECTIVES
The treatise objectives are to:
- Explore the nature and extent of the devolution of decision-making in the NMBM
• If found to be ineffective or limited, establish reasons why devolution is not having the desired impact at NMBM
• If found to be ineffective, to investigate and find alternatives to how devolved decision-making can be enhanced, using the viable local political process at the NMBM and similar municipalities

1.8 CLARIFICATION OF TERMS
The following are terms that will be used throughout this research document:
• Community – defined by Hawker et.al (2009: 171) as a group of people living together in a place or having the same religion, race; the people of an area or country considered as a group. This term will be used interchangeably with ‘local public’.
• Councilor - According to the Local Government: Municipal Structures Act (117 of 1998) it means a member of a municipal council.
• Delegate – Local Government: Municipal Structures Act (117 of 1998) “in relation to a duty, includes an instruction to perform the duty”
• Development – “The action of developing; a new stage in a changing situation evolution; growth or progress” Hawker et. al (2009: 251)
• Government – categorized into National, Provincial and Local spheres and stipulated to be distinctive, interdependent and interrelated. Constitution of the Republic of South Africa, 1998 (Act of 1996) (152 (1)) goes on to stipulate the objects of local government as;
  (a) to provide democratic and accountable government for local communities;
  (b) to ensure the provision of services to communities in a sustainable manner;
  (c) to promote social and economic development;
(d) to promote a safe and healthy environment; and
(e) to encourage the involvement of communities and community organisations in the matters of local government.

- Integrated Development Plan - Local Government: Municipal Systems Act of 2000 (Act 32 of 2000, Section 25 (1) (b)) states that each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive strategic plan for the development of the municipality that aligns the resources and capacity of the municipality with the implementation of the plan. This is an institutional framework, which addresses how service delivery will be achieved.

1.9 RESEARCH DESIGN

(Durrheim and Terre Blanche, 1999: 29) define research design as a strategic framework for action that serves as a bridge between research questions and the execution or implementation of the research. Babbie (1995: 82) explains research design as planning of scientific inquiry – designing a strategy for finding out something. The two major aspects of research design are specifying precisely what one wants to find out and determining the best way to do that. Learned research experts such as Durrheim and Terre Blanche have described research design as planned observation. “Such planned research is termed systematic observation, because research questions and a research design have guided the observation. The researcher seeks to draw coherent and plausible conclusions or inferences from her his observations, and thus plans observations to ensure that it will fulfill the purposes of the research” Durrheim et. al (1999: 29-30). Gomm (2008: 269) clarifies observation of naturally occurring events in research design as naturalistic observation. Research based on naturalistic observation is often called field or ethnographic research, which in essence refers to a general purpose term for any qualitative data. The specific methodology that will be used is the qualitative research as stated on the following sub-heading.
1.9.1 METHODOLOGY
The treatise will use qualitative research approach. An empirical study will be conducted using unstructured interviews, questionnaires, observations and secondary sources of data throughout the research process. Unstructured interviews will be conducted with representatives of the sample population composed of councilors. A survey will be conducted in a form of a questionnaire used to test perceptions, attitudes and behaviors of the sample population with objectives of achieving at least 90% response rate. Keeping with best practice of social research principles, the researcher will have a sample size of ten percent extrapolated from the population of the study. Research methodology and the type of analysis used in the study will be elaborated upon the third chapter when discussing the research methodology in depth.

1.10 CONFIDENTIALITY AND ETHICAL CONSIDERATION
According to Babbie (1995: 466) confidentiality refers to the situation in which the researcher - although knowing which data describes which subjects – agrees to keep that information confidential. Babbie puts the term into context by explaining that in confidential research, the researcher is able to identify a given person’s responses but essentially promises not to do so publicly. The student takes note of Babbie’s caution not to use the term anonymous to mean confidential. For the purpose of this study, the researcher will ensure confidentiality of interviewees and the sample group from the research population by keeping all information provided to her, confidential. The researcher will ensure confidentiality because it is ethically compliant.

According to Hawker et. al (2009: 316) ethical is an adjective for anything that has to do with principles for right and wrong; good; moral; just; honorable and fair. Ethical considerations in research design are imperative because it ensures the protection of participants’ welfare and rights. Gomm (2008: 366) substantiates these sentiments by stating that research staff and subjects must
be informed fully about the purpose, methods and intended possible uses of the research, what their participation in the research entails and what risks, if any, are involved. Durrheim et. al (1999: 66-70) notes four ethics guidelines in research:

- Consent
- Confidentiality
- Competence
- Reporting results

1.11 PRELIMINARY SURVEY
A literature survey was conducted and the researcher identified secondary data of similar content to the topic. The following will be of great assistance to the literature review in the study:

1.11.1 The Legislative framework
- Nelson Mandela Bay Municipality: Public Participation Policy of 2012
- Constitution of the Republic of South Africa of 1996

1.11.2 Existing Literature
The secondary sources of data used for the study range from books, academic journals, dissertations and institutes’ annual reviews with topics similar to the area of interest. The researcher took deliberate effort to ensure that the existing literature utilized in the study is current therefore not older than a decade.
Newspaper articles and online sources will be used as secondary sources as well.

1.12 DELIMITATION OF STUDY
The study will not include in-depth investigation on the following:

- The devolution of power from the national and provincial sphere of government
- Discussions on budgetary, managerial and auditing functions.
- The above topical issues could form part of a future research because of time and research scope.

1.13 STRUCTURAL OUTLINE
The first chapter is the proposal of the document, which consists of the background and a clearly defined problem statement. Other sub-headings from the chapter are: research question, hypothesis, objectives of study, motivation of the study, preliminary survey, delimitation of study and the structural outline.

The second chapter will first provide the reader with an outline of the environment local government operates in at NMBM. The administrative and political structural arrangements will be explained in depth.

The third chapter is the literature review of the study. This chapter will investigate the current state of devolution by document analysis, unstructured interviews and observations. The sources of data that will be included are primary and secondary sources of information.

The fourth chapter will focus on whom the population group is composed of and how the sample group was formulated. The format of the questionnaire and unstructured interviews will be discussed in this chapter.
The fifth chapter will interpret the data from the survey. Responses will be reflected in a form of percentages and findings will be drawn from the responses of the surveys.

Recommendations and conclusion will be provided on the sixth and final chapter.
CHAPTER TWO:

INTRODUCTION AND CONTEXT

2.1 INTRODUCTION
This chapter will delve into the situational analysis of the demarcated area of NMBM, one of five metropolitans in South Africa as defined in the previous chapter. The geographical arrangement of NMBM will be attached to the study as Annexure B for the benefit of the reader, extrapolated from the Integrated Development Plan of 2011/12. The situational analysis will portray the context of NMBM by unpacking on demographics of the area and how this local government is structured to achieve the mandate of service delivery bestowed unto it through legislation governing local government. NMBM concedes to challenges of poverty, unemployment and service delivery backlogs (Integrated Development Plan of 2011/2012: 36). The context will allow the reader to understand the components mandated to manage decision-making powers in the organizational structure at NMBM as well as the environment they execute this obligatory directive under.

2.2 CONTEXT
With figures taken from (Integrated Development Plan of 2011/2012: 10), NMBM caters for a considerable number of residences with a budget capacity of R6,535,373,080 for operational expenditure and R1,435,007,000 allocated to capital expenditure. According to the IDP, the NMBM has a “population of 1, 1 million; 289 000 households (formal areas) and an unemployment rate of 35%” (Integrated Development Plan of 2011/2012: 36). The Municipality has a responsibility to deliver the same level of service to all households; including the indigent ones who do not necessarily contribute to the revenue of NMBM. “Altogether 177 922 of the total number of 289 000 formal households are classified as indigent” (Integrated Development Plan of 2011/2012: 36). A study
conducted by Pretorius reports a different number of indigent households than the IDP; the numbers tell of a desperate situation faced by the indigent in this municipality. “Some 400 000 households across fifty impoverished communities survived on less than R800 a month, most of these households support seven or eight people” (Herald, 19 Oct 2010). According to Revenue Management and Customer Care By-Law 156 of 2003, (Section 1), revenue means all monies due to Council and, which Council has the right to exact and to enforce payment of, irrespective of the reason for, or the origin of its factuality. Therefore, vulnerable communities composed of indigent households in poor areas do not pay for their rates and services. This is a burden for the Municipality as it is obliged to cater for services that not all communities or households pay for. That fact should not affect the devolution of powers to all these communities.

The next sub-heading will elaborate more on the civil protests, which the community uses to demonstrate dissatisfaction.

2.3 CIVIL PROTESTS AS A MEANS OF ENGAGEMENT

In South Africa there is a history of local communities using civil protests to engage with local authorities about service delivery shortcomings. Violence normally characterizes the civil protests that include burning of public facilities such as clinics, councilor offices and even schools. (Tsatsire, 2007: 38) notes this history comes from “civic organizations such as SANCO and other broad pro-democratic forces that joined hands in rendering South Africa ungovernable. The pressure exerted both externally and internally became unbearable. It was a result of this pressure that in 1990 the apartheid government agreed to enter into negotiations with the democratic forces led by the ANC”.

From the apartheid struggle era, people successfully used civil protests to communicate in a militant way with those in authority in order for their voices to be heard. The trend still continues and the NMBM is no exception. “There were
blazing fires and disruption to traffic in three of the city’s main thoroughfares as the throngs of protesters intensified their demands for housing, water and electricity” (Herald, 30 May 2012). There has been a plethora of such protests in the municipality with communities growing impatient with the pace of service delivery, quality of services and the manner in which these services are distributed. Some protesters even resorting to closing down their own ward facilities where ward councilor offices are allocated to be closer to the people the councilors represent.

In an instance where community members in five wards protested instantaneously, ward offices were closed and the representatives denied access due to alleged lack of communication, let alone decision-making. “Offices of councilors at Ward 54, 57, 23, 55, and 56 were also closed last month but later reopened” Herald, 4 June 2012.

The vandalism of ward councilors’ offices will be elaborated upon in the discussion on provision of facilities in chapter three.

2.4 NMBM STRUCTURAL ARRANGEMENTS OF NMBM

According to the Integrated Development Plan (of 2011/2012: 33) there are in total nine Departments at NMBM:

a) Budget and Treasury
b) Constituency Services
c) Corporate Services
d) Economic Development, Tourism and Agriculture
e) Human Settlements
f) Infrastructure, Engineering, Electricity and Energy
g) Public Health
h) Recreation and Culture
i) Safety and Security
Conversely, there is the Chief Operations Officer (COO), which is a strategic partner of the business, featuring very strongly in devolution matters. There is also the office of the Speaker of Council that is a legislated requirement for every municipality, stemming from a process of local government elections. The COO and the office of the Speaker of Council will be discussed in the following subheading. The department tasked with seeing to duties of devolution in the NMBM is the Chief Operations Officer (COO), Council Speaker’s Office and Constituency Services.

2.4.1 Chief Operations Officer
The COO has a mandate to “monitor, evaluate and report to internal municipal structures, other spheres of government and the public on the implementation of the Integrated Development Plan, other strategies and the Budget” (www.mandelametrogov.za/content.aspx?objID+277 : 2012). Essentially the role of COO in devolution is to account to the citizens on progress of policies, strategies, projects and budgetary implications in a form of progress reports. Some of the crucial sub-directorates under the COO are the IDP office, legal services and communications. These are crucial offices for devolution because they allow inclusion of the community in decision-making on establishing and review of the development plan; ensuring that NMBM adheres to all legal and applicable requirements, as well as the communication strategy to the public. Information is communicated through the communications office.

At NMBM the distribution of information by the communications office can be a political subject. In an article of the local newspaper, the municipality’s spokesperson accused the council’s leading political opposition of plagiarizing his media statement. According to the article the municipality’s spokesperson went further – writing to the Speaker, Chief Whip and then Acting Municipal Manager, requesting that people be protected from receiving these messages when sent by the opposition parties. The spokesperson was quoted “I find the underpinned release of the DA [Democratic Alliance] despicable since it is the flagrant
plagiarism of a media statement that I sent out last night as part of my duties as a Communications Official deployed in the Joint Operations Centre. Your distribution of this statement under the name of a DA Councilor not only politicizes the message, you are also using municipal resources to further the aim of your political organization” (Herald, 7 July 2011). In the same article in response, the councilor in question was noted “There is nowhere on the e-mail that states I am a DA Councilor. I was sending it in my capacity as a councilor of the metro to a larger network of people” (Herald, 7 July 2011).

2.4.2 Constituency Services
There are twelve departments mandated with delivering services on various core functions at NMBM. The Constituency Office is under the corporate services department according to Annexure C. The structural arrangement is such that each department has a political office-bearer as the Portfolio Councilor at NMBM, including at constituency services. Constituency services is not stipulated in any legislation governing local government; neither as a department nor as a portfolio office. However the term constituency is defined by Hawker et al. (2009: 187) as an area that elects a representative to a parliament; while constituent is defined as a member of a constituency or a part of a whole. Based on this definition and for the purpose of this research, a constituency is the local community that has a say (using the ballot system) on the political representation in Council for that locality. The core function of this office is:

- Motivational – encouragement via training, mentoring and endeavoring to improve their standing in the community.
- Monitor service delivery.
- Represents the wards.

2.4.3 Office of the Speaker

A Speaker is elected among the councilors of the ruling party as stipulated by the *Local Government: Municipal Structures Act* (Act 37 of 1998, Section 36).

**Election of speakers**

(1) Each municipal council must have a chairperson who will be called the speaker.

(2) At its first sitting after its election, or when necessary to fill a vacancy, a municipal council must elect its speaker from among the councilors.

On 15 June 2012 the researcher secured an interview with Mr. Sabelo Ngxitho: the adviser to the Council’s Speaker from the last local elections of May 2011. Ngxitho (2012) explained that the Speaker’s Office is responsible for public participation functions of Council in areas such as the budget, compilation and reviewing of IDP and introduction of Council policies. Ngxitho (2012) highlighted that the Speaker’s Office is compelled by Chapter four of the Local Government: Municipal System Act 32 of 2000 in executing its duties. For instance, the Speaker’s Office is the custodian of the mechanisms and processes for community participation as stipulated on *Local Government: Municipal System Act*, 2000 (32 of 2000, Section 17):

**Mechanisms, processes and procedures for community participation**

(1) Participation by the local community in the affairs of the municipality must take place through-

(a) political structures for participation in terms of the Municipal Structures Act;

(b) the mechanisms, processes and procedures for participation in municipal governance established in terms of this Act;

(c) other appropriate mechanisms, processes and procedures established by the municipality;

(d) Councilors; and
(e) generally applying the provisions for participation as provided for in this Act.

When questioned on the absence of Constituency Services on the legislative framework and structural inconsistencies with regards to where that office is allocated on the organogram; Ngxitho (2012) noted “with the establishment of the Metro in the year 2000 it was a political arrangement of the constituency office. It is basically an in-house set-up, originally, aimed at giving leverage and upper-hang to the ruling party in the implementing of its manifesto”. Ngxitho (2012) continues to say “under normal circumstances the constituency office is under the Speaker’s Office from where we develop and executed all public participation plans. However, due to unfortunate political dynamics, the constituency [services] was placed under the Corporate Services Directorate, a situation that is a disjuncture and reorganization”.

2.5 POLITICAL ARM IN THE STRUCTURAL ARRANGEMENT

The political arm of local government is a legitimate, democratically elected political representation. They usually get policy mandates in elections or ward/constituency meetings, or exercise their discretion as elected representatives of the community. They are also expected to report back to their voters in order to obtain ratification of their decisions on behalf of the community, or to seek new mandates (Cloete et. al 2007: 114-5).

NMBM political governance is reflected on illustration 1 and constituted according to the relevant legislation. Local Government: Municipal Structures Act (Act 37 of 1998, Section 22)

**Election of metropolitan and local councils**

(1) The council of a metropolitan or local municipality consists of councilors elected in accordance with Schedule 1-
(a) by voters registered on that municipality’s segment of the national common voters roll, to represent the parties proportionally that contested the election in that municipality and

(b) by voters registered on that municipality’s segment of the national common voters roll in the respective wards in that municipality, to represent the wards directly.

The promotion of local democracy is considered a central role of local government. “The local sphere is an arena where citizens can participate in decision-making to shape their own living conditions, exercise and extend their democratic (social, economic and political) rights. In the South African context of vast intra-metropolitan inequities and racially-divided cities, it cannot be assumed that smaller political institutions with maximum autonomy will necessarily enhance everyone’s democratic rights” Local Government: White Paper on Local Government of 1998, Section 2.3.2. Local democracy relates to give people the right to voice-out on various issues of governance. Ideally politicians represent the people by being their ears and eyes in decision-making that have to do with issues, which directly and indirectly affect the community in a municipality for the sake of service delivery.

According to the Local Government’s White Paper on Local Government of (1998, Section 3.1) the present system has 40% proportional representation and 60% of ward councilors should be retained in any future system of political election for local representatives. This is the obligatory system used countrywide and NMBM is no different to the other metropolitan municipalities. The ruling party is the African National Congress (ANC), the Democratic Alliance (DA) is the official opposition followed by the smaller parties such as Congress of the People (COPE).
### Table 1: Party-political Representation of Councilors

<table>
<thead>
<tr>
<th>POLITICAL PARTY</th>
<th>NUMBER OF COUNCILLORS</th>
<th>GENDER DISTRIBUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>African National Congress (ANC)</td>
<td>80</td>
<td>Male: 50 Female: 30</td>
</tr>
<tr>
<td>Democratic Alliance (DA)</td>
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<td>Pan Africanist Congress</td>
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### 2.6 SUMMARY

In conclusion this chapter deals with contextualizing the environment for the literature review, findings and recommendations of the research so the reader can understand it better. The situational analysis, which included information on capital budget, operational budget, revenue collected, versus the number of indigent households that depend on subsidized services to survive, highlighted NMBM's burden to provide undifferentiated services.

The chapter introduced the issue of civil protests, and whether or not embarking on these protests can be viewed as a sign of a lack of devolution. This is because at these protests community leaders express that politicians and officials are not talking to them concerning localities’ development plans and the implementation of the plans in question. Civil protests could be construed as the last means of engagement because at least officials and politicians react to these protests and attempt to reach out to the community.
This chapter also highlighted a newspaper article where the spokesperson of 
Council accused an opposition party of plagiarisms for forwarding an e-mail 
message to a larger audience. An instance that could be construed as lack of 
trust between some circles in the administration and the political dispensation.
CHAPTER THREE: LITERATURE REVIEW

3.1 INTRODUCTION

This chapter is a literature review of existing secondary sources of data regarding the manner in which NMBM devolves decision-making to the community, focusing specifically at how politicians are empowered for inclusive decision-making.

The bigger theoretical debate about devolution is grounded in good governance and public participation. Currently the debate on inclusive governance and public participation is a continental and global debate. “Throughout the world, and specifically in Africa, public participation is seen as a means to (i) enhance development and service delivery, (ii) improve governance and, (iii) deepen democracy” Centre for Public Participation (2007: 06).

To realize the objectives of good governance and public participation as noted in the paragraph above, more fundamental services are devolved from higher spheres of government to the local sphere in South Africa. With the introduction of the accreditation process, the government finds it more possible to decentralize not only administrative functions, but also decision-making authority closer to where the people are. The accreditation frameworks used to guide the process of devolving service delivery decisions and implementation include for instance the Accreditation Framework for Municipalities to Administer National Housing Programmes of 2011. This specific accreditation framework is a guideline on how municipalities (especially metropolitans) are to be delegated powers of human settlement from national and provincial sphere of government to be within their jurisdiction. Challenges in housing related service delivery has compelled the government to take this route towards good governance that is inclusive of all stakeholders. “The rationale towards this move towards accreditation is rooted in the Constitution, and can be found further in the logic of
good and cooperative governance” Accreditation Framework (2011). One of two objectives of accreditation in the sense of human settlements re-distributing decisions independently of central and provincial government is coordinated development which pronounces aims at locating the decision-making authority around the implementation of national housing programmes at the local sphere, municipalities can coordinate these decisions with other decisions that relate to the broader sustainability of human settlements”.

Ideally the Municipality’s citizens could have more of a voice in their housing service delivery needs because NMBM is currently in the process of registering to be a Level three municipality with the Provincial Department of Human Settlements. In keeping with good governance and public participation the Local Government: White Paper on Local Government of 1998 introduced the principle of consultation “citizens should be consulted about the level and quality of public service they receive, and, where possible should be given a choice about the services which are provided”.

It is important to note that accreditation is not only limited to devolve housing; public health and various other Provincial and National administrative mandates are devolved to NMBM as well.

3.2 PUBLIC PARTICIPATION

The definition of decision-making has been elaborated upon this chapter in Section 1.2 of the study. Public participation is also referred to as community participation. The intricacies with the terms ‘public participation’ and ‘decision-making’ need to be addressed before the research focuses on the literature review. The term public participation is at times used interchangeably with decision-making. These two conceptions are inter-related because one is a pillar of the other. Decision-making is a type of public participation therefore the latter could be used to describe a process of decision-making. As a component within community participation, decision-making is noted in the NMBM Public
Participation Policy of 2012, Section 81&3 between rights and responsibilities of the community, noting that the community has the right to “be involved and contribute within the decision-making process of the municipality and submit written or oral recommendations; be informed of decisions of Council, another political structure or any political office bearer of the municipality”.

When unpacking conceptual issues with public participation Cloete et.al (2007: 115) identifies four types of community involvement. One of the involvements is negotiation. “Negotiation, which means direct involvement by parties in discussions leading up to joint decision-making through agreement on policy issues in a peaceful way. Negotiation does not guarantee an agreement (or negotiated settlement), but does present an opportunity to be part of the decision-making process by trying to persuade an opponent, bargain for a compromise, or threaten with force if one’s views are not accepted. A veto can thus be exercised over a decision. It is a very effective form of participation.”

Public Participation compels the local sphere of government to devise strategies to coherently engage with the citizens as important stakeholders. “Municipalities need to develop mechanisms to interact with community groups to identify service needs and priorities as well as community resources that can be unlocked and channeled for development ends. Municipalities will need to develop mechanisms to ensure that their delivery is inclusive and accommodate groups which tend to be marginalized or disadvantaged” Local Government: White Paper on Local Government (1998).

In essence, public or community participation can be used interchangeably with decision-making because in a public participation process communities have the right to be involved in decision-making and to be informed of decisions that affect them taken by Council.
3.3 MECHANISMS USED BY NMBM TO SUPPORT POLITICAL OFFICE-BEARERS

The following is a literature review from which the findings, recommendations and conclusion of the investigation will be based on.

The literature will include data extrapolated directly from stakeholders through unstructured interviews. The proposal has determined that the scope will focus on a viable political process by way of investigating how political office bearers are capacitated with training, facilities and resources as well as Council’s utilization of ward committee structures. To this end, the literature review will be conducted under the following headings:

a) Training and development of councilors
b) Provision of facilities and other resources
c) Utilization of ward committee structures

As mentioned, primary sources of data will be derived from interviews with knowledgeable political office bearers and officials. Interviews were scheduled:

- Malusi Andries – Official (Community Liaison Officer) – 27 July 2012
- Sabelo Ngxitho: Legal Adviser to the Speaker of Council – 15 June 2012
- Nomakhaya Ndwayana: Training Officer at Office of the Speaker of Council – 23 March 2012

3.3.1 TRAINING AND DEVELOPMENT OF COUNCILLORS

According to Wilson and Spiers (1990: 05) training is an absolute imperative in a devolved or devolving local government institution, “people need training and courage”. The people in question for the study are political office bearers and officials for devolution to local communities. On training and development the NMBM Councilor Support Policy of 2011, Section 10.1 states that “council in consultation with SALGA shall develop training and capacity building
programmes for councilors on a continuous basis and in accordance with individual councilor needs”. The IDP solidifies the notion that training and development lie at the center of good governance and public participation. Stating that to promote good governance and public participation, the capacitating of councilors is essential. The municipality introduced a number of training programmes such as the executive leadership programme, the municipal development programme and local government development programme”. The NMBM (Integrated Development Plan of 2011/12: 09) adds the key focus areas for the training interventions for councilors inter alia:

a) Development and management of public participation programmes
b) Council oversight functions
c) Promotion of political accountability
d) Enforcing the rules of order
e) Management of procedural matters relating to council and standing committees (motions and questions)

The above from the IDP is not contrary to stipulations on the Local Government: White Paper of Local Government of 1998, Section 1.4

Leading and Learning:
“Extremely rapid changes at the global, regional, national and local level are forcing local communities to rethink the way they are organized and governed. This requires trust between individuals and open and accommodating relationships between stakeholders. Local government has a key role to play in building this kind of capital.

In practical terms local government can build conditions favorable to development through:

- Building the kind of local political leadership that can bring together coalitions and networks of local interests that cooperate to realize a shared vision.
- Actively seeking to empower the most marginalized groups in the community and encouraging their participation.
• **Empowering Ward councilors as community leaders who should play a pivotal role in building a shared vision and mobilizing community resources for development.**

In an interview on 23 March 2012, Ms Nomakhaya Ndwayana, the training officer at the office of the Speaker dedicated to councilors’ training interventions explained the criteria used to identify appropriate training for an individual councilor. Ms Ndwayana noted that when councilors commence their term in office they are from various socio-economic, socio-political and academic backgrounds; therefore the training interventions they require to execute their duties vary. Some councilors do not even have higher primary schooling while others have formidable tertiary level education. “Capacity building programmes for councilors are categorized and provided as follows: NQF 1 – 3 (Grade 4-9, ABET 1-4), NQF 4 (High School/College/NGO certificates/Grade 12/Matrict), RPL and NQF 5 – 6 (Graduate)” Councilor Support Policy of 2011, Section 10.5 (a)-(c).

The academic qualifications of political office bearers elected into office as articulated in this interview is not contrary to stipulations of the Local Government: Municipal Structures Act, (Act 117 of 1998, Chapter 2 (21)) because the Act does not regard academic achievement as a requirement for election of political representatives to local government:

21. **Qualifications for councilors**

1) **Every citizen who is qualified to vote for a particular municipal council has the right** –

(a) to stand as a candidate in an election for that council, except a person disqualified in terms of section 158 (1) (c) of the Constitution; and

(b) if elected, to become and remains a councilor, except a person disqualified in terms of section 158 (1) (a), (c) or (e) of the Constitution.
The Constitution of the Republic of South Africa, 1998 Act, and (Act of 1996, Chapter 7, Section (158) (1)) qualifies councillor candidates as follows:

a) anyone who is appointed by, or in the service of, the municipality and receives remuneration for that appointment or service and who has not been exempted from this disqualification in terms of national legislation;

b) anyone who is appointed by, or in the service of, the state in another sphere and receives remuneration for that appointment or service and who has been disqualified from membership of a Municipal Council in terms of National Legislation;

c) anyone who is disqualified from voting for the National Assembly or is disqualified in terms of Section 47(1) (c) (d) from being a member of the Assembly;

d) a member of another Municipal Council, but this disqualification does not apply to a member of a Municipal Council representing that Council of a different category.

From the above citations academic achievement is evidently not a requirement for an individual to be elected into a political office in the local sphere of government. The municipality therefore has a responsibility to enlighten these important stakeholders, from basic fundamentals on how local government works to tertiary academic achievement in terms of gaining formidable expertise in the area of good governance in local government (Seti, 2012). Funding for the training intervention is not burdened on NMBM. According to Ndwayana (2012) the South African Local Government Association (SALGA) funds RPL. The skills audit is conducted using the template attached as Annexure C in order to group councillors into one of the categories articulated above.

3.3.1.1 Recognition of Prior Learning in training and development

According to the South African Qualifications Authority (SAQA) Act 58 of 1995, RPL means the comparison of previous experience of a learner howsoever obtained against the learning outcomes required for a specified qualification and
the acceptable purpose of qualification that meets the requirements. NMBM Recognition of Prior Learning Policy of 2011, Section 3.4.5) notes that learning takes place in all kinds of situations – formally, informally and non-formally. These articulations make it clear that with RPL, political office bearers (and officials) can embark on an accredited process that certifies them cognizance of the experience obtained on the job for a specific field of work.

“In practice this means that a learner or employee’s non-formal and non-traditional learning can be recognized through a process of identifying what the person knows and can do - matching this knowledge, skills and experience to the specific standards and assessments’ criteria of existing qualification and crediting the person towards that qualification” (Rudman, 2007: 14).

The NMBM Recognition of Prior Learning Policy of 2011, Section 2 adds to the definition of “the acknowledgement of current skills and knowledge obtained through formal training, life and work experience. RPL is based on whether experiences or qualifications meet the performance criteria”. In the interview of 14 August 2012, Seti expressed that as a former councilor and now a municipal employee tasked with discharging services to consumers of local government services, training affirms politicians’ knowledge in government development policy. Seti (2012) maintains that this kind of training makes it easy for politicians to engage with communities and place their constituencies into the various beneficiary categories so that people can claim services they qualify to get. On the underlying principles, the context at which RPL takes place is listed on the NMBM Recognition of Prior Learning Policy of 2011, Section 3: 3.1.1

Personal development and/or certification of current skills

3.1.2 Progression into a learning programme
3.1.3 To facilitate promotion
3.1.4 Career or job change
3.1.5 Learning occurs in all kinds of situations, formally, informally and non-formally for a specific qualification.
3.1.6 The context implies that the RPL programme is affirming real-life situations and experiences of councilors.

If training is part of NMBM stakeholder development culture, then RPL augments that practice and certifies those who have been involved in devolving decision-making by affirming what they have learnt throughout the years in a specific field of local government. Therefore training in development is made a process rather than an eventful initiative in a classroom. “Training has stopped being a phase or privilege occurring at a given point in a person’s life; it is a permanent element in a person’s life cycle” (OECD, 2001: 161).

Training ideally augments the efforts of political office bearers’ knowing the inner-workings of NMBM; it promotes the decision-making policy framework and therefore, was selected by the study as one of the instruments used by NMBM to realize the viable local political process.

3.3.1.2 Criticism on training as a mechanism for inclusive decision-making

Some of the criticism about training aimed at supporting political office bearers is that the training is inadequate, which is removed from the realities leadership faced on daily basis in decision-making and its interaction with civil society. Meaning that the development programmes do not empower councilors with the necessary knowledge to make policy, budget and development decisions; let alone empowering them with knowledge on various ways the community can be included as part of those decisions – shared responsibility. For instance, in a 2011 article the Institute for Democracy in South Africa (IDASA) criticized a government training programme for newly-elected local councilors. IDASA and other interest groups are concerned that existing interventions do not ensure competency of newly elected councilors. IDASA Regional Coordinator expressed that training should be more extensive and should draw on expertise from civil society organizations. Councilors need exposure to policy formulation, project
management, budgeting and financial management, which would take time. (www.mg.co.za : 2011).

However this criticism portrays councilors as passive recipients of development interventions. The study could not find evidence of those in the political arm of local government challenging a particular training programme based on relevance. What the researcher observed were a number of politicians refusing to take part in certain training interventions without providing any reasons. There are a plethora of assumptions why councilors reject training interventions. Whether the challenge stems from a fear of having one’s academic as well as intellectual standing exposed, or just despondency, there is nothing the training officer can do in instances where a councilor refuses training.

Another criticism is that RPL leans towards personal empowerment for future employment opportunity. This is because political office bearers who go through the RPL programme are ultimately certified towards a qualification that helps them obtain more secured, permanent employment within the public service. Ndwayana (2012) asserts this perspective when highlighting the advantages of training for politicians “training affirms councilors’ competence, which is a step towards obtaining a qualification. That is always a good thing because these councilors know that they do not have the comfort of permanent employment because they are political appointees, elected for a period of five years at a time”

3.3.2 PROVISION OF FACILITIES AND OTHER RESOURCES
NMBM is obliged to provide politically elected office bearers with resources to execute their mandate. NMBM Councilor Support Policy (2011) pronounces support for Ward Councilors, Proportional Representatives (PRs) including maintenance of the provided resources and safety and security for councilors undertaking Council business. NMBM Councilor Support Policy of 2011, Section 6.1-6.2 pronounces both for Ward Councilors and Proportional Representatives:
**Table 2: Resources as per Councilor Support Policy of 2011**

| 6.1 Each **Ward Councilor** should have adequate working space, which includes at least the following: |
| (a) a Councilor’s office equipped with: |
| i. a desk |
| ii. high back, swivel and tilt office chair |
| iii. two visitors chairs |
| iv. four drawer filing cabinet |
| v. bookshelves |
| vi. credenza |
| vii. network connectivity |
| (b) a reception area equipped with: |
| i. six waiting room chairs |
| ii. desk and typist chair |
| iii. computer stand |
| iv. desktop computer |
| v. multi-purpose office machine (fax/printer/copier/scanner) |
| vi. network connectivity |
| (c) a boardroom equipped with a boardroom table and twelve chairs |
| (d) stationery – quarterly issues as determined by budget allocation |

| 6.2 Council shall provide a working space or a common information centre/station for **(PR) Councilors** equipped with: |
| (a) a laptop with network connectivity |
| i. multi-purpose office machine (fax/printer/copier/scanner) |
| ii. an amount not exceeding R1 000 for stationery. This amount shall be allocated on a quarterly basis and will be determined in terms of budget allocation and subject to review from time to time |
| (d) Council shall provide a common information centre/station for councilors equipped with: |
| i. literature, including legislation, policy documents; |
| ii. internet access; |
| iii. television set; |
| iv. suitable furniture; |
| v. a four-in-one machine. |

The support for PR councilors excludes members of the Executive Mayoral Committee as defined in the first chapter.
What is omitted by the policy is that all ward councilors and 50% of proportional representatives are provided secretaries permanently located at their offices to assist with administrative functions. The secretary is office bound and should always be at the office to tend to administration functions. Seti (2012) states that provision of a secretary for mundane administration functions does nothing to assist local political office bearers fulfill the mandate of involving communities in matters of local governance such as inclusive decision-making. Deficiencies in the systemic arrangement make it impossible for the ward councilor’s office to be responsive to needs of communities on the ground. Let alone making that office a heterogeneous space that ensures that the community adds their voice in the fast-tracking of services. Councilors need to be provided with professional support that account on the councilor’s absence and carry-out administrative functions beyond answering calls and writing up proof of addresses (Seti, 2012).

Andries (2012) expounds that having an active organized citizenry would be more sufficient than having an office full of support staff at politicians’ offices. The only provision these facilities have been able to achieve for the most part is a quick interface between the people and Council in terms of providing people with a telephone to call a credit control official to enquire about a water, electricity or rates account. These include possibilities of obtaining subsidies in cases where community members cannot afford to pay for these services. In its current form, due to both systemic deficiencies and what politicians choose to do with what they have been provided, in terms of inclusive decision-making the mechanism of providing facilities and equipment fails to mobilize the community.

National policy is explicit that Council property should not be mistaken for personal property; that councilors should always keep in mind that the facilities provided are for the benefit of the community as much as they are for their own comfort. “A councilor may not use, take, acquire or benefit from any property or asset owned, controlled or managed by the municipality to which that councilors have no right” Local Government: Municipal Systems Act, (32 of 2000,
Schedule 1) (12)). The policy highlights the fact of adherence to the municipality’s procurement policy “the procurement of all equipment will be subject to best practice in line with the NMBM Supply Chain Management Policy. All equipment provided to councilors including peripheral equipment remains the property of the NMBM and is subject to the NMBM Asset Management Policy” NMBM Councilor Support Policy of 2011, Section 6.2(b) & (c).

This provision should not be viewed as merely providing comfort as the OECD substantiates “centres need to develop linkages with the various local bodies involved in economic development within the region or city. Rather than attempting to work independently of such local organizations, regions and cities should work with them so that they can tailor policy to local needs and make it responsive to local conditions” OECD (2001: 30-31).

3.3.2.1 Provision of safety and security
According to the Policy security personnel will be deployed at public meetings, such as ward committee meetings or Imbizo’s to secure the safety of councilors as well as members of the public. This is a good initiative by NMBM given that political office bearers as well as officials should execute their duties without fear of their safety. The policy goes further to note that “during instances where a councilor is under threat and unable to reside at his/her normal place of residence, Council shall make available alternative accommodation arrangements and provide adequate surveillance and safety and security to the councilor and his/her immediate family” NMBM Councilor Support Policy 1 of 2011, Section 8.3. There have been various instances where ward councilor offices have been attacked by angry residents who go as far as burning these offices as these (offices) are seen as symbolizing the failure by a political dispensation to include communities in governance in the decisions taken and dissemination of information. A newspaper article reports on the occasional
burning of offices when local communities are not happy with the way they are being side-lined by their elected local representative.

“The incident started when councilor Thembisile Gana’s office in Mondile Street was set alight yesterday morning. Later councilor Nomsa Booi’s office in Tize Street was also set alight said police spokesperson Warrant Officer Marianette Olivier. The protestors were angry because they were not receiving any support or information from the ward councilor. Yet Vaaltyn denied residents’ claims that there was lack of communication from his office” (Butler, www.peherald.com: 2012).

Another case in point of residents who resort to violence, and specifically vandalism of facilities to express their frustration with what was alleged as councilors’ not accounting to the community is taken from a newspaper report. The article of 4 June 2012 reported on five out of nine wards in the Motherwell area of NMBM who embarked on a protest that previous day. The leader of the “concerned group” of protesting residents was quoted saying that the councilor [of Ward 54] failed to ensure delivery of housing and that he [councilor] has not called a meeting since being elected from the local government elections (Mkentane, www.peherald.com: 2012). Political representatives not accounting back to the constituency they serve is not a natural order of good governance.

Subtle dissatisfaction can implode to a conflict situation if councilors are not perceived as accountable to the constituencies as reported by the above articles. Although the interviewees agree that more needs to be done to safeguard councilors and council property from angry members of the community, there is disagreement on what motivates the protests that often lead to violence and vandalism of Council property. Seti (2012) is of the view that there are people with political agendas that mischievously play the constituency against its representatives. The protests do not necessarily demonstrate lack of accountability. Sometimes the community fails to appreciate local government bureaucratic processes, therefore are open to being used by these sinister elements. However, Andries (2012) in responding to the same question noted
that it is difficult to use informed people; implying that if representatives engaged the community through constituency meetings and other organized structures, the protests would not be as frequent and as aggressive.

3.4 WARD COMMITTEE STRUCTURES
Ward Committee Structures are organized structures established to assist the municipality and the Ward Councilor to reach every sector and geographic unit in a given ward. The researcher seeks to understand how NMBM is utilizing a legislatively stipulated commodity such as ward committees to enhance its devolution of powers for collective decision-making. Members of the ward committees reside within the community therefore are the closest and should be in tune with needs of the communities among which they live. Part of the postulation is that optimum utilization of ward committees and other civil structures should enable Council to include people in service delivery related decision-making.

“Citizens are involved in shaping their destiny in local government through a variety of avenues. They are involved as voters, as consumers of services, as civics and members of interest groups, as ward committees and as community members at large” (Tsatsire, 2010: 182).

Ward committees are formal legislated structures of local government. Both the structures and the systems Act provide the intention of and a guideline for how ward committees are to be used as a vehicle for local communities to participate in matters of governance in municipalities. “The object of ward committees is to enhance participatory democracy in local government” Local Government: Municipal System Act, (32 of 2000, Section 72, 3). The study includes ward committees as part of the viable local political process for inclusive decision-making because ward committees are composed to work very closely with the political arm of local government. With that said it is important to highlight that ward committees are non-political structures.
3.4.1 Composition of a ward committee
Each ward democratically elects a ward committee composed of a maximum ten members with the ward councilor seating as chairperson of the committee (*Local Government: Municipal Structures Act (117 of 1998, Section 73 (b)).* NMBM uses the ballot way of voting to fulfill this obligatory requirement. The national legislative framework allows municipalities to develop their own internal policies that guide the election process, term of office, conditions under which they operate and conditions under which the committees are disbanded.

The flexibility offered by national legislation, highlighting only the issue of diversity, allowed for municipalities to tailor-make the operationalization of ward committees to suit a particular locality. Cloete et. al (2007: 115) emphasizes diversity by noting that community participation can occur through the involvement of leaders of legitimate organizations in the community who represent different interest and segments in the community (e.g. civic, cultural, religious, welfare, recreational, youth, business and other organizations).

3.4.2 Ward committees at NMBM
NMBM upholds gender equity in the formulation of committees and requires diversity. “Furthermore, a diversity of interests in the Ward must be represented, such as the following interest groups: youth, women, religious groups, sports and culture, health and welfare, business, the environment, senior citizens, community safety forums, community-based organizations, ratepayers’ associations, traditional leaders, agricultural associations, informal trade associations, the disabled and unemployed” Herald, 27 September 2011.

In the interview, Andries (2012) has experienced that in most cases the majority of active citizens elect committee representatives in a particular ward according to political party lines. Seti (2012) affirms this observation by explaining that although ward committees are not political structures, contestation for its membership is politically informed and is open to be used to further political
agendas. To solidify this perception, Mgwebi (2011) notes “the major concern is around how ward committees are constituted. In various instances the ward councillor, being the chairperson, usually has direct control in electing ward committee members in line with political affiliations”. This composition in itself is viewed to be an impediment to collective decision-making as many scholars express a view that politicians are compelled to represent political party interests before needs of the broader community. As expressed by (Crick, 2001: 22) that “councillors may ponder over whether they owe loyalty to their supporters, their electors or to certain groups within their electorate, the reality for the vast majority is that it is to their party that they must first and most completely be answerable. This accountability is downwards to their activists who must campaign for and re-select the candidate, but more powerfully to the party hierarchy”.

One of Andries (2012) grievance with the result of what is seen as a politically informed composition of ward committees, is that once elected the representatives are allocated to represent interests of a sector they do not necessarily belong to. For instance a ward committee member could be allocated to represent the sport sector without being actively involved in sport. According to Andries (2012) this is a deficiency that possibly leads ward committees to unaccountability to interest groups they represent, tolerate committee chairpersons (ward councilors) not reporting back on council business that affect the constituency and would rather dedicate their tenure serving the interests of the political party to which they belong. Mgwebi (2011) take on the issue is that it translates to “ward committees, therefore, lack an independent voice and do not represent the community, but are used as mere tokens of party structures and politics. Community needs and aspirations are then not entirely served and as a result, ward committees, including councillors, fail to comply with their political mandates, therefore service delivery is severely affected”. Andries (2012) adds that ultimately this structural deficiency causes the majority of the local community to be ignorant to decisions taken by the political dispensation,
administration and sometimes the business fraternity because they do not offer them the opportunity to participate constructively.

The authority entrusted by the national legislation on municipalities to establish ward committees according to conditions unique to their local environment could be viewed as a liberty, but it is also a responsibility. Simanga (2008: 03) notes that municipal councils have a responsibility to establish ward committees to enhance public participation, but the question remains whether this is done and if so, how effective are those committees.

The next sub-heading will elaborate on functions and powers of NMBM ward committees in strengthening devolved local government for realization of inclusive decision-making.

3.4.3 Functions and powers of ward committees
According to the Local Government: Municipal Structures Act (117: 1998, Section 74(a) a ward committee has the power to make recommendations on any matter affecting its ward to the ward councilor; and through the ward councilor, escalate concerns to the metro, local council, the executive committee, the executive mayor or the relevant sub council. Department of Local Provincial and Local Government (2005: 15) articulates that ward committees are an independent advisory body that must be seen as impartial with specific roles being listed:

- Serve as an official participatory structure.
- Create formal unbiased communication channels as well as co-operative partnerships between the community and the Council.
- Serve as mobilizing agent for community action, in particular through the IDP process, the municipality’s budgetary process and holding the municipality accountable for its performance.
- Hold other duties as delegated by the municipality.
However Andries (2012) explains that, because of an absence of an internal policy, functions and powers are changed at a whim to suit preferences of those in power for political party and individual objectives. Ward committees’ system in its current state is superficial and is used at the discretion of people without serving the broader agenda of inclusive government to enhance devolution. The public participation policy that was finally approved by a Council Standing Committee in May 2012 is silent on how ward committees are supposed to operate at NMBM.

As a former ward councilor who has lead a ward committee, Seti (2012) explains that back when NMBM had existing committees the structures were fully functional with regular meetings being held. Formal reports would be compiled and submitted to Council by using the committee secretariat. However Seti conceded that there has never been a clear link between Council discourses and reports emanating from ward level. Seti noted that because of systemic challenges, individual councilors make attempts to ensure that resolutions at ward level find expression in council development plans for service delivery.

All the above on ward committees at NMBM and generally speaking have been personal accounts from the interviewees, observations of the researcher and according to secondary data in the way Council establishes committee structures. The way these committees are operated and whether this assists political office bearers’ role in public decision-making. The following sub-heading provides an actual status of ward committees. That since 2009 this municipality has been going about business without ward committees; making decisions such as approving budgets, major development projects and revenue tariffs without the formal public participation instrument – ward committees.

3.4.4 The disbandment of Ward Committees at NMBM

During the investigation, the study established that in actual fact, NMBM does not
have ward committees. The committees were never elected since 2009 when the previous structures term came to a close. The opposition and other interest groups from the onset even legally challenged the situation as many perceived it as disbandment.

NMBM has public statements that it releases, which can be construed as a misrepresentation because it portrays itself as having legitimately established and fully functioning ward committees while in actual fact it does not. On the organization’s website, the contents on public participation read “our municipality values the participation of its residents in governance. To this end, the municipality has established ward committees in all sixty wards. Ward committees provide an important vehicle for the municipality to consult with its communities” (www.mandelametro.gov.za/communication&publicparticipation: 2012).

This revelation has led to more questions being asked as to whether strategic documents such as the IDP are legitimately developed at the municipality without ward committees in place. A more immediate question would be what is being done to re-establish ward committees in order to comply with statutes that govern public participation?

3.4.5 NMBM attempts to re-establish Ward Committees

Various attempts by officials and politicians to bring back legitimate ward structures have failed. When they commence, the initiatives for electing of ward committees appear vibrant, with public campaigns in the media and the community at large, then at the end they fall flat. The latest attempt was announced in the local newspaper “the NMBM is gearing up to elect ward committees next month. The elections, to establish non-political ward committees for all 60 wards in the city, would be held from October 10. Nomination forms will be available from September 29 to October 6 at each ward
office, from a number of municipal offices including libraries and clinics” Herald, 27 September 2011.

The realities pertaining to ward committees not existing in the municipality are multifaceted. Mostly it is due to public disputes amongst politicians, with supposedly political parties trying to contest in order to be the more dominant in a given ward. The dynamics are such that at times, factions within one political party will fight each other for membership of these structures with intentions of being in a position of influence in the community. Since these committees do not exist anymore at NMBM branch executive committees of political parties have now taken the role of ward committees upon themselves. Utterances of a protester show a blurring line between community and political party in participation “The Councilor doesn’t call meetings and he doesn’t recognize us as the [ANC] branch executive committee. People feel he has got a bad attitude and want the office to be closed because they have lost confidence in him” Herald, 04 June 2012.

The administration is seen trying to revive the culture of public participation as required by the constitutional framework through the Communication and Constituency Services, while politically motivated dynamics hamper these joint initiatives. Observations are that individuals in the administration get embroiled in politicking, which staggers the administrative will to re-establish ward committees.

3.4.6 Ward-Based Plans ideally and in retrospect

Ideally inclusive decision-making in local government is dispensed by municipalities using ward-based plans. According to the Department of Provincial and Local Government (2005: 03) community based-planning (CBP) is a specific form of ward planning involving all people in a ward that has been designed to promote community action and make the IDP of a municipal area more people-centered. A large part of ward committee responsibilities pertains
to developing CBPs where they (ward committees) are tasked with engaging interest groups to compile development needs in order of priority. The development needs from various interest groups such as wards’ youth, disabled people; women etc. then feed into the ward-based plan. “Under the leadership of ward committees the ward will develop working groups to take forward their plan, develop an action plan for implementation and these action groups to report back to the ward committee on a monthly basis on implementation”. Department of Provincial and Local Government (2005: 06).

The Local Government handbook on CBP lists the specifics that the devolution legislation framework stipulates. It also clearly notes they must empower those ward committees with training to execute these duties. However Andries (2012) notes NMBM was not embarking on training programmes to empower ward committees with the capacity they needed to perform duties back when the municipality had ward committees. To that end, Andries (2012) is of the view that ward committees in practice, did not serve the purpose of devolving local government even when they were in existence at NMBM. Seti (2012) believes that the training interventions on good governance NMBM provided for ward committees assisted in their empowerment to execute their functions, even though training did not directly deal with ward-based planning. Seti believes that political office-bearers need to demonstrate maturity and move pass their political party lines so that the ward committee system is depoliticized. According to Seti depoliticizing the composition and functioning of ward committee structures is an imperative to ensuring everyone in society, no matter their political identity, is considered by the decision-making process.

2.4 SUMMARY
In summary training and development, provisions of facilities and other resources as well as ward committee structures were the subject of investigating devolution of decision-making at NMBM. The study discussed by focusing on what the researcher terms ‘the viable local political alternative’. The chapter surmises that
NMBM has a high regard for developing its political office bearers through training and that this municipality invests resources to the attainment of inclusivity of its local citizenry in governance.

This chapter surmises those ward committee structures at all sixty wards of NMBM would have played a crucial role in assisting councilors devolve decision-making powers. Currently there are no ward committee structures in existence at NMBM since 2009; a situation that could be attributed to political dynamics of the municipality. From the conducted interviews it was surmised that establishment and functioning ward committees tend to be a politically charged process that can retard inclusive governance in devolution. In essence, the literature review revealed that developing political office bearers through training, providing them with resources to execute their functions is adhered to by NMBM. However, when they were still in place, ward committees were a political conduit that did not serve devolution purposes.
4. CHAPTER FOUR: RESEARCH METHODOLOGY

4.1 INTRODUCTION
Chapter four is a survey part of research where the empirical survey focuses on a population sample’s behavior, attitudes and perception regarding how NMBM empowers political office bearers in their role in inclusive decision-making as far as devolution is concerned.

Behr (1983: 05) explains that the term empirical means that which is verifiable by observation. The advantage of this method, the empirical research is that it has built-in mechanisms, which ensure that the procedures and results of the researcher are open to scrutiny by fellow professionals. Therefore this study is a scientific product that can be peer reviewed by other social research professionals.

Moreover, the chapter will articulate on how the research population was selected, what was done with it and how the data collection tool was administered in obtaining reliable data that will produce knowledge.

4.2 RESEARCH POPULATION AND REPRESENTATIVE SAMPLE
According to Brynard and Hanekom (1997: 43), a sample of a population is used to simplify the research, save time and to cut costs. Hawker et.al (2009: 820) simple definition of a sample is that it is “a small part or quantity of something intended to show what the whole is or will be like; a specimen taken for scientific testing”. At this phase of the study the researcher is at a point of analyzing data that has been collected throughout the research process in order to interpret and gain understanding for reliable findings and recommendations that can be validated. The data collection methods discussed in the following paragraphs are fundamental to establishing exactly who should form part of the sample
group, representation and how big the sample must be to achieve depth while the research remains manageable.

4.3 SELECTION OF REPRESENTATIVE SAMPLE

This phenomenological research has resolved on selecting two representative sample groups:

a. Councilors

b. Officials from the Departments mandated with the inclusive decision-making aspect of devolution. These officials at the COO, Speaker and Constituency Services work closely with politicians holding public office.

4.3.1 Ward Councilors of NMBM

The rationale for selecting councilors as part of the population sample is that the research chose to focus on the viable local political process as it was expatiated on in the proposal, taking a definition of the concept from Wunch (2010). In this scenario politicians play a crucial role because they are policy agenda setters with a legislative authority to approve policies and by-laws that govern municipalities. Ward councilors are a component of stakeholders that is important because they are very close to the community and act as a bridge between the municipality and the community in local government. They are instrumental in ensuring that the citizenry is included in decision-making.

To ensure a fair representation of the demographics of ward councilors in the demarcated area, the sample constituted of 10% of the contingent. There are sixty ward councilors for all sixty wards of the NMBM. The same principle will apply for selecting the sample size for PR councilors. A balanced representative sample of the larger group is useful for the reliability and validity purposes.
4.3. 2 Officials of NMBM
Officials are employees appointed by government at all its three spheres to disperse service delivery to consumers of government services. Officials are selected as part of the sample population because they have a mandate of accreditation in devolution and work very closely with political office bearers in fulfillment of their (politicians) roles as a bridge between government and the community.

Officials were randomly selected from the three departments already mentioned. The questionnaire was sent by e-mail to twelve officials at the Constituency Office, Chief Operations Office and the Office of Council Speaker. Due to cases of reliability and giving the research a balanced representative from the population, the researcher had a target of at least 65% from this sub-population. The advantage of random selection does reduce the risk of bias on the researcher’s part as (Babbie, 1973: 83) notes that this procedure of sampling serves as a check on conscious or unconscious bias on the part of the researcher. The researcher who undertakes the selection of cases on an intuitive basis might very well select cases that would support his research expectation or hypothesis. Random selection, then, erases this danger.

4.4 WHAT WAS DONE WITH THE THREE GROUPS
The self-administered questionnaire was sent to the representative sample by e-mail with a response date of seven days. The e-mails were followed-up by a courtesy phone call to confirm receipt and an introduction of the researcher to the people who were to populate the questionnaire.

4.5 RESEARCH DESIGN AND METHODOLOGY
Upon selecting a population group and its sample a research methodology needs to have been established. From the topic, problem statement and the purpose of
the investigation the researcher established what she wanted to know so that the research fundamentals such as methodology, data collection tool and data analysis are selected appropriately. The type of data that is needed is determined by the research question and sub-questions. The next sub-heading gives a more involved account of data collection tools, in terms of how the data methods were utilized.

4.6 DATA COLLECTION METHODS

The following processes as elaborated in the previous sub-headings of the chapter are listed:

- Observation
- Document analysis
- Questionnaire
- Unstructured interviewing

The questionnaire is the most relevant data tool for the study.

4.6.1 Observation

As has been noted in the research proposal chapter, naturalistic observation was the kind of observation used in the investigation. Natural observation is also a method that will promote the validity of the investigation findings because the data was collected as is the reality of the context without manipulation and manufacturing of the research setting. “Naturalism – that social life be studied as it occurs, in natural settings rather than ‘artificial’ ones created only for the purpose of the research. Ethnographers do not seek to manipulate and control what goes on in these settings, but rather to minimize their own impact on events so as to be able, as far as possible. to observe social processes as they occur naturally without intervention of researchers” Burns (2000: 397). This method of data collection permits rich and detailed observations of a few cases, and allow the researcher to build up an understanding of phenomena through observing particular instances of the phenomena as they emerge in specific contexts (Durrheim et. al, 1999: 47).
The researcher participated in the context being observed as she is an official at the demarcated research area – NMBM. The logistics pertaining to the researcher being close enough to the political office bearers and officials (sample population) in order to record behavior in field notes were trouble-free because behavior was recorded as it occurred and the study did not necessitate re-enactments. “In participant observation, the researchers take part in the daily activities of people, reconstructing their interactions and activities in field notes taken on the spot, or as soon possible after their occurrence” (Burns, 2000: 405). For instance, throughout the period of investigation the researcher attended council standing meetings, imbizos, interacted with politicians and participated in the discharging of some of the services in question as an official in gathering some of the empirical evidence.

4.6.2 Document Analysis
Additional data that would be needed to be collected is from annual reports from the municipality, articles, blogs and knowledgeable people who know about the subject in question, which is devolution at the Nelson Mandela Bay Metropolitan.

4.6.3 Questionnaire
The study uses a survey questionnaire as the most appropriate data collection tool to gather the data needed for analysis and interpretation. The questionnaire will be used to test perceptions, attitudes and behaviors of the sample population with objectives of achieving at least a 90% (ninety percent) response rate. It is a self-administered questionnaire with closed-ended statements for respondents to agree or disagree. This is the best means of data collection regarding perceptions, attitudes and behaviors of political office bearers regarding their empowerment in inclusive governance by the NMBM. The researcher used the following guidelines provided by Bayat (2007: 92) to formulate closed-ended questions:

- There should not be too many categories.
• The aim of the alternatives is to force the respondent to give an answer.
• The alternatives should, as far as possible, cover the total range of possible answers.
• The alternatives should be mutually exclusive.

Questionnaires will assure the sample population’s anonymity as per the ethics and confidentiality clause of study.

4.6.4 Unstructured interviews
Prior to the questionnaire, to supplement data collection, there were unstructured interviews conducted with knowledgeable politicians and officials. Burns (2000: 423) notes that unstructured interviews are a major tool for qualitative researchers where information is derived from interviews and reported in a narrative containing direct quotations from interview statements or field notes. Two ward councilors and three officials formed part of that interview process because of their knowledge of the research area. The unstructured interviews were conducted to ascertain the adequacy of mechanisms already in place to devolve decision-making such as councilor training and development, provision of facilities and resources as well as ward committee structures.

Simply put, an interview is a direct method of obtaining information in a face-to-face situation (Behr, 1983: 144). The same author in a later edition gives a more in depth meaning of unstructured interviews or what they term open-ended interviewing. “This type of interviewing takes the form of a conversation between informant and researcher. It focuses, in an unstructured way, on the informant’s perception of their environment and of their experiences” Burns (2000: 425). The reason the researcher selected interviews as part of the data collection is due to its flexibility that is an advantage as articulated by Behr (2000).
4.7 SUMMARY
The chapter has conferred on how the sample population was identified and the sample group was selected. The research population is councilors and officials who make up the political and administrative arm of local government. Types of data collection methods were also provided, with the questionnaire being the most appropriate method used to collect information. The participatory nature of observation is complementary to the unstructured interview selected by the study because of its flexibility and how in depth it allows the interviewer to probe an informant.
CHAPTER FIVE: DATA ANALYSIS PROCEDURE AND INTERPRETATION

5.1 INTRODUCTION

The aim of the research was to test perceptions and attitudes of the two representative sample groups that in this case are the councilors and officials. The researcher analyzed the responses to make sense of it so that findings and recommendations are produced. The data analysis procedure for this research is content analysis in a form of coding by content.

The researcher has already developed categories however, an allowance will be made for new categories that emerge during the data analysis process. The researcher opted to extrapolate core concepts from the sub-foci as data analysis categories. According to Renner and Taylor-Powel (2003: 02) categorizing is intended to bring meaning to the words before you identify themes and patterns – ideas, behaviors, concepts, incidents, terminology or phrases; it organizes text into coherent categories.

Information about Respondents

Illustration 1: The sample population group was taken from the categories reflected below:

<table>
<thead>
<tr>
<th></th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Ward Cllr</td>
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<tr>
<td>PR Cllr</td>
<td>23%</td>
</tr>
<tr>
<td>Official</td>
<td>45%</td>
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<tr>
<td>Total</td>
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</table>
Illustration 2: Level of Education

Frequency Distribution
The frequency distribution of responses from the sample population is displayed in percentages using the bar chart as follows:

Statement B1: Devolution of local government is an imperative for effective service delivery

<table>
<thead>
<tr>
<th></th>
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Statement B2: Political office bearers play a crucial role in public decision-making in local government

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</table>
Statement – B3 NMBM has sufficient council structures to ensure that the local community is involved in decisions having to do with service delivery

<table>
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<th>Agree %</th>
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Statement B4: There is adequate internal cooperation between political office bearers and officials regarding involving the community in decision-making

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Statement B5: Tensions between political representatives and officials do not hinder the inclusion of communities in decision-making at NMBM

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Statement B6: Training of political office bearers supplements good governance and public participation

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**Statement B7:** Training interventions offered by NMBM and SALGA are adequate in capacitating political office bearers to devolve local government

**Statement B8:** Recognition of Prior Learning (RPL) is an insufficient mechanism for devolution because it leans towards personal development of an individual councillor

<table>
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**Statement B9:** Training is the only type of support political office bearers needed to successfully execute their role in filtering decision-making to the community

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**Statement B10:** NMBM does provide facilities and resources such as office space, telephones and secretaries to all ward councilors

<table>
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**Statement B11:** The facilities and resources provided to councilors are utilized optimally for devolution purposes

<table>
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**Statement B12:** The provision of safety and security to councilors is sufficient

<table>
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<th>Agree %</th>
<th>Neutral %</th>
<th>Disagree %</th>
<th>Strongly Disagree %</th>
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<tbody>
<tr>
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<td>6.67</td>
<td>13.33</td>
<td>13.33</td>
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</tr>
<tr>
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<td>26.67</td>
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<tr>
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<td>6.67</td>
<td>33.33</td>
<td>40.00</td>
<td>13.33</td>
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**Statement B13:** Vandalism and closing of ward offices during local civil protests are indicative of the councilors’ failure to include the community in its own development

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<th></th>
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<th>Neutral %</th>
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<td>6.67</td>
<td>20.00</td>
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Statement B14: The disbandment of ward committees in all sixty wards since 2009 has not had a negative impact on devolution

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<th>Agree %</th>
<th>Neutral %</th>
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<td>13.33</td>
<td>46.67</td>
<td>33.33</td>
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</table>

Statement B15: Council’s IDP and other internal reports illustrate an accurate picture of all forms of public participation

<table>
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<tr>
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<th>Agree %</th>
<th>Neutral %</th>
<th>Disagree %</th>
<th>Strongly Disagree</th>
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<tr>
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<td>46.67</td>
<td>13.33</td>
<td>20.00</td>
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Statement B16: The formation of ward committees is politically informed and thus makes these structures susceptible to narrow political agendas that do not serve devolution purposes

<table>
<thead>
<tr>
<th></th>
<th>Strongly Agree %</th>
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<th>Disagree %</th>
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<td>13.33</td>
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Statement B17: Currently NMBM does not have any coherent strategy to engage civil society, and any effort by an individual councilor is done on an ad hoc basis

<table>
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<tr>
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<th>Agree %</th>
<th>Neutral %</th>
<th>Disagree %</th>
<th>Strongly Disagree</th>
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<td>20.00</td>
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5.2 SUMMARY
The responses from the data collection tool have shown that both councilors and officials have a high regard for devolution as a means to effective service delivery with Statement 1 having a support rate of 100% divided between ‘strongly agree’ and ‘agree’ scales. Only 7% of respondents (from the officials’ sample group) perceive politicians’ role in devolved decision-making as unimportant; the rest of the sample group is in support of statement 2. The two statements share the most number for supported statements with 53% received for each.

According to responses for statement 9, that reads - Training is the only type of support political office bearers needed to successfully execute their role in filtering decision-making to the community; 66.67% of politicians and officials do not limit the obligation of NMBM support only to training interventions. This (statement 9) is the most disagreed with statement of the survey and with no neutrality recorded. An interesting observation is that there is an equal split between respondents who agree (33.33%) and those who disagree (33.67%) with statement 11 that the facilities and resources provided to councilors are utilized optimally for devolution purposes; therefore based on the data collection
tool alone there is no definitive sentiment about the optimum utilization of resources politicians have at their disposal.

The statement that insinuates that vandalism and closing of ward offices during local civil protests are indicative of the councilors’ failure to include the community in its own development was one of two most unsupported, 66.67% divided equally between the ‘disagree’ and ‘strongly disagree’ scales – statement 13. Showing that vandalism of local authority property is not symbolic of councilors’ failure to devolve decision-making according to perceptions between politicians and officials. The other most unsupported statement (14) shows respondents disagreeing and strongly disagreeing with the notion that non-existent ward committees’ at all sixty wards for a period of more than three years has not had an adverse effect on inclusive decision-making. Some 46.67% disagree while 33.33% strongly disagree, 13.13% are neutral to the statement and only 6.67% support the statement.

From statement 15, the researcher observes the lack of appreciation for systems such as ward-based plans that facilitate a thorough stakeholder engagement with the community because 46.67% of politicians and officials support the statement that the IDP and internal reports such as the SDBIP illustrate a truthful picture of public participation in the absence of ward committees. Some 20.00% of the respondents opted for neutrality in statement 17, not wanting to indicate whether they perceive NMBM as having a coherent strategy to engaging civil society or not. However, most respondents supported the statement with a 26.67% each for ‘agree’ and ‘disagree’ – NMBM does not have a coherent strategy to engage civil society and any effort by an individual councilor is done on an ad hoc basis.

Statement C1 is an open-ended question of the data collection tool. Some 66.67% of councilors and officials report challenges political office bearers come across when executing their tasks in good governance and public participation. The articulated challenges are noted verbatim below:
“In terms of decision-making, the Council adopts resolutions taken by the majority party in Council irrespective if it affects our community negatively”

“Ward committee process has been completely derailed by the ruling party’s public participation processes that are undertaken only to serve compliance with legislation and not with the proper intended purpose”

“The ruling party all too often abuses its powers by not adhering to section 160(8) of the Constitution. Mayoral resolutions are often reported to council six months and longer after they were made”

“Decision-making is not inclusive of all parties and is mostly made one sided”.

The above direct quotations from the open-ended sections provide a scenario of a public decision-making under siege from a parochial environment.

Expressing their views, those who answered ‘no’ to the open-ended question noted that politicians are providing their rightful guidance and that they are leaders in the community; therefore political office-bearers, with or without the support granted by the institution are successfully executing their role in devolution of decision-making.

Some 20% of the questionnaires were missing the data on the open-ended section.
CHAPTER SIX: FINDINGS AND RECOMMENDATIONS

6.1 FINDINGS

- Administration of NMBM has a high regard for the role of political office-bearers in devolution of decision-making.

- Tensions among political representatives do hinder the inclusion of communities in decision-making. Consequently, the shared responsibility participatory governance achieves is deterred because of inadequate work relations between internal role players.

- Training of political office-bearers supplements good governance and public participation.

- Vandalism and closing down of ward council offices are not purely a reflection of a ward councilor's failure to account to the constituency. There are some political influences that instigate people into acts of violence. There is no sense of collective ownership thus some members of the community feel justified damaging public property as a show of frustration.

- Ward committee structures have not been in existence since 2009. When they were in place the structures were operating within political lines, therefore serving not the broader development agenda of the various sectors of the community but rather party political and even faction programmes.

- There is an absence of a vocal civil society. Civic structures do not have a platform to engage constructively with the municipality and at times
frustrations are expressed in aggressive ways by concerned groups of people in the community.

6.2 RECOMMENDATIONS
Councilors need to optimize the resources at their disposal for public participation. The office of the Speaker of Council, COO and constituency services need to do more to work together with councilors for an effective consolidation of public participation efforts. Therefore, councilors do not need additional human resources at ward offices because functions performed will be a duplication of what is being done at an institutional level.

Deliberate effort needs to be placed in establishing democratically elected ward committees in all sixty wards of NMBM. The establishment of ward committees has to be a joint effort between political office bearers, the broader political landscape and officials as previous efforts have failed to produce legitimate structures. The politicians and officials need to work together to win over public opinion and community buy-in towards the establishment of ward committees that are representative and functional.

A lucid strategy designed to engage all civil society organizations should be developed to encourage a culture of optimal interaction with interest groups that are the community’s voice in governance.

6.3 CONCLUSION
The investigation concludes that NMBM has the systems in place for devolution of decision-making to the community. NMBM meets the requirements stipulated in statutes in terms of policies and by-laws needed to guide the process of including the community in service delivery decision-making. Politicians in public office and officials do take public accountability seriously with the processes for public participation outlined on the Public Participation Policy of 2012. However,
the Public Participation Policy is mum on the establishment of ward committees, structures that are considered as instrumental in devolving decision-making.

The systems in place do not address the public participation element of negotiation; which decision-making is composed. Meaning that in its current form public participation serves only to consult, rather than to make decisions together with the people. IDPs are merely for compliance sake because pre-developed drafts are presented to the community for approval without the legitimate WBP process taking place. There are no ward committee structures to undertake WBP since the structures were disbanded in 2009. A situation that has had a dire impact on devolved decision-making because development needs of different sectors in the community are not guaranteed to be considered by IDPs.

Concerted effort to capacitate the political arm of government in devolution of decision-making has been made. Training interventions targeted at councilors on how local government works are conducted by the municipality. As part of its training and development programme, the municipality also acknowledges the knowledge councilors have accumulated in their experience in local politics. The existing knowledge is assessed and a formal qualification is granted through the RPL initiative. Training and development assists in giving a sense of confidence to the political leadership about how to engage their public as partners in local government.

The facilities and equipment provided to ward and PR councilors assists in bringing public decision-making on service delivery closer to the people. The NMBM adheres to the provisions of the Councilor Support Policy of 2011 that specifies resources politicians need to be assisted with in order for inclusive decision-making to be achieved. Contrary to the opinion of some politicians and officials, the resources provided, including human resources are adequate to devolve decision-making. Councilors need to do more to make ward offices responsive to communication needs of the surrounding community. Vandalism and (sometimes violent) closing down of ward offices is not the epitome of a
community uninvolved in its own development in terms of having a voice in service delivery decisions – the civil protests are at times politically motivated.

Public decision-making is also hampered by the reality that there is an absence of an active civic society culture at the NMBM. Political party branches have the most organized members in communities; these branches tend to occupy the void of civic society when it comes to questioning decisions that have been made by politicians and the administration. In this situation, the line between politics and representing the development needs of the broader society blurs. The engagement between the concerned groups and the municipality is mostly hostile. What exacerbates the manner of engagement is the fact that the municipality does not have a strategy or a strategic document on connecting proactively and constructively with interest groups.
REFERENCES


Centre for Public Participation. 2007. *Report on Public Participation in Local Government*


The Herald 2010. 19 October: 1-2

The Herald 2011. 07 July: 4
The Herald 2012, 30 May: 1-2
The Herald 2012, 27 August: 4
The Herald 2011, 27 September: 3
PERSONAL INTERVIEW REFERENCES

Andries, M. 2012. Community Liaison Officer Ward 57: Motherwell Urban Renewal Programme. 27 July 2012


ANNEXURE A: SCHEDULE OF MUNICIPAL SERVICES AS PER THE CONSTITUTION

Part A

- Administration of indigenous forests
- Agriculture
- Airports other than international and national airports
- Animal control and diseases
- Casinos, racing, gambling and wagering, excluding lotteries and sports pools
- Consumer protection
- Cultural matters
- Disaster management
- Education at all levels, excluding tertiary education
- Environment
- Health services
- Housing
- Indigenous law and customary law, subject to Chapter 12 of the Constitution
- Industrial promotion
- Language policy and the regulation of official languages to the extent that the provisions of section 6 of the Constitution expressly confer upon the provincial legislatures legislative competence
- Media services directly controlled or provided by the provincial government, subject to section 192
• Nature conservation, excluding national parks, national botanical gardens and marine resources

• Police to the extent that the provisions of Chapter 11 of the Constitution confer upon the provincial legislatures legislative competence

• Pollution control

• Population development

• Property transfer fees

• Provincial public enterprises in respect of the functional areas in this Schedule and Schedule 5

• Public transport

• Public works only in respect of the needs of provincial government departments in the discharge of their responsibilities to administer functions specifically assigned to them in terms of the Constitution or any other law

• Regional planning and development

• Road traffic regulation

• Soil conservation

• Tourism

• Trade

• Traditional leadership, subject to Chapter 12 of the Constitution

• Urban and rural development

• Vehicle licensing

• Welfare services
Part B

The following local government matters to the extent set out in section 155(6)(a) and (7):

- Air pollution
- Building regulations
- Child care facilities
- Electricity and gas reticulation
- Firefighting services
- Local tourism
- Municipal airports
- Municipal planning
- Municipal health services
- Municipal public transport

- Municipal public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under this Constitution or any other law

- Pontoon, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto

- Stormwater management systems in built-up areas

- Trading regulations

- Water and sanitation services limited to potable water supply systems and domestic waste-water and sewage disposal systems
ANNEXURE B: DEMARCATED AREA OF NMBM

NELSON MANDELA METRO

[Map showing demarcated area of Nelson Mandela Metro with wards and boundaries]
**ANNEXURE C:**
NELSON MANDELA BAY
METROPOLITAN MUNICIPALITY

Skills Audit
Councillors' Questionnaire - COMPULSORY

**NB: TO BE COMPLETED BY ALL COUNCILLORS – HIGHLY CONFIDENTIAL**

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<th>ID Number:</th>
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</tr>
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<td>(y) .......... (m) .......... (d) ..........</td>
</tr>
<tr>
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</tr>
<tr>
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<td>(w) (cell)</td>
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<tr>
<td>Fax:</td>
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<tr>
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<td>Do you have any disabilities?</td>
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<td>If yes, please specify:</td>
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<td>Dietary requirements:</td>
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<td>SA ☐ Others:</td>
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<td>Home Language:</td>
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<td>Do you have a command of any other language?</td>
<td>Yes ☐ No ☐</td>
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<td>If yes, specify which and how well you know them:</td>
<td>Language</td>
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| Councillor's Details: | Ward Councillor ☐ | PR Councillor ☐ |
| Tick appropriate block | Mayoral Committee ☐ Please specify: |
| Are you a member of: | Portfolio Committee ☐ Please specify: |

Membership of any other committee/forum/task team:
1. |
2. |
3. |

Number of years as Councillor: |
Employment Details (Other than being a Councillor):

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<tbody>
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Do you need any further training/skills to perform your work satisfactorily?  Yes ☐ No ☐

If yes, please specify:
1.  
2.  
3.  

**QUALIFICATIONS**

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What other courses/conferences or seminars have you attended that relate to the work of the municipality?

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<tr>
<td>Duration</td>
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Certificate obtained
A = attendance
B = competence
C = none

Current Study

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<th>Date to complete:</th>
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</table>

Major subjects:

Have you received any on-the-job training?  Yes ☐ No ☐

What kind of training did you receive?

Have you been involved in training others?  Yes ☐ No ☐

Specify:

Do you have a career plan at present?  Yes ☐ No ☐

If yes, what are the training/development areas and skills and exposure you require for the career plan?
ANNEXURE D: QUESTIONNAIRE

SECTION A: BIOGRAPHICAL QUESTIONS
Please mark the appropriate block with an (X)

1. Gender
   - Male
   - Female

2. Age category
   - 20-29
   - 30-39
   - 40-49
   - 50-59
   - 60+

3. Sample Population Group
   - Ward Councilor
   - PR Councilor
   - Official

4. Level of Education
   - Primary school
   - High school
   - Further Education & Training
   - Diploma/Degree
   - Btech/Honours/Masters or PhD

Total experience in local government environment ___________ Years
SECTION B: POLITICAL OFFICE BEARERS' AND OFFICIALS' PERCEPTIONS ON HOW NMBM EMPOWERS ITS POLITICIANS IN DEVOLUTION OF LOCAL GOVERNMENT AND WHETHER THAT TRANSLATES TO ENHANCED INCLUSIVE GOVERNANCE

Please answer the following questions based on your own perceptions. There are no wrong or right answers. The questions will assist in the empirical study of how NMBM empowers its political office-bearers devolve decision-making to the community and further determine whether that translates to enhanced inclusive governance.

The scales for responding to statements below are:
Strongly Agree = 1
Agree = 2
Neutral = 3
Disagree = 4
Strongly Disagree = 5

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<th>Please mark appropriate box with a (X)</th>
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<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
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<tr>
<td>Devolution of local government is an imperative for effective service delivery</td>
<td></td>
<td></td>
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<tr>
<td>Political office bearers play a crucial role in public decision-making in local government</td>
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<tr>
<td>NMBM has sufficient council structures to ensure that the local community is involved in decisions having to do with service delivery</td>
<td></td>
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<tr>
<td>There is adequate internal cooperation between political office-bearers and officials regarding involving the community in decision-making</td>
<td></td>
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<td></td>
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<tr>
<td>Tensions between political representatives and</td>
<td></td>
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officials do not hinder the inclusion of communities in decision-making at NMBM

<table>
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<th>TRAINING AND DEVELOPMENT AS A MECHANISM FOR DEVOLUTION</th>
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<tr>
<td>Training of political office-bearers supplements good governance and public participation</td>
</tr>
<tr>
<td>Training interventions offered by NMBM and SALGA are adequate in capacitating political office-bearers to devolve local government</td>
</tr>
<tr>
<td>Recognition of Prior Learning (RPL) is an insufficient mechanism for devolution because it leans towards personal development of an individual councilor</td>
</tr>
<tr>
<td>Training is the only type of support political office-bearers needed to successfully execute their role in filtering decision-making to the community</td>
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<table>
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<th>PROVISION OF FACILITIES AND RESOURCES AS ARTICULATED BY THE NMBM COUNCILLOR SUPPORT POLICY OF 2010</th>
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<tbody>
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<td>NMBM does provide facilities and resources such as office space, telephones and secretaries to all ward councilors</td>
</tr>
<tr>
<td>The facilities and resources provided to councilors are utilized optimally for devolution purposes</td>
</tr>
<tr>
<td>The provision of safety and security to councilors is sufficient</td>
</tr>
<tr>
<td>Vandalism and closing of ward offices during local civil protests are indicative of the councilors’ failure to include the community in its own development</td>
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<td>WARD COMMITTEE STRUCTURES AS A MECHANISM FOR DEVOLUTION</td>
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<td>The disbandment of ward committees in all sixty wards since 2009 has not had a negative impact on devolution</td>
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<td>Council's IDP and other internal reports illustrate an accurate picture of all forms of public participation</td>
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<td>The formation of ward committees is politically informed and thus makes these structures susceptible to narrow political agendas that do not serve devolution purposes</td>
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<td>Currently NMBM does not have any coherent strategy to engage civil society, and any effort by an individual councilor is done on an ad hoc basis</td>
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SECTION C: CHALLENGES EMANATING FROM EMPOWERING POLITICAL OFFICE BEARERS IN DEVOLUTION OF DECISION-MAKING AT NMBM

Considering the above statement, are there any challenges encountered in the process of executing inclusive decision-making tasks? (yes/no) Please elaborate on your answer below:

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