ded
Deutscher
Entwicklungsdienst

At the Coalface

Stories of public participation

Table of Contents

Cape Town

Introduction

"The classical modernist approach of saying 'I know better, I have the expertise, therefore I will show you the way' is not going to give us what we need in this country." – Ashley Westaway, former Managing Director of the Border Rural Committee, Grahamstown.

Public Participation is one of the cornerstones of local democracy in South Africa. Government, non-governmental organisations, communities and donors see it as essential to overcoming inequalities and to achieving equitable development of communities. Yet despite a lot of good will and widespread rhetoric, even government acknowledges that in practice public participation faces many challenges. Government admits that there is a need to "strengthen political accountability to citizens while building inclusive communities that are partners in their own development and destiny" (Local Government Indaba Declaration, 22 October, 2009).

While there is no lack of information about public participation legislation and there is useful academic critique on public participation, as well as handbooks on participatory mechanisms, there is markedly less material about what people 'at the coalface' actually experience when engaging with their municipalities.

At the Coalface attempts to address this gap. It looks at the concrete experiences people have had when fighting for better service delivery, when engaging with municipal officials and when trying to hold government accountable. By assembling stories, interviews and case studies of public participation the reader seeks to serve as inspiration for practitioners of public participation and their supporters. At the same time it provides insights into the challenges and pitfalls that people encounter when trying to engage with local government.

Imprint

Published by German Development Services (DED) South Africa

Author:
Gerhard Kienast

Content editor:
Julia Plessing

Design:
Grafixation

Language editor:
Mindy Stanford

Cover:
The campaign for the restitution of victims of betterment policies in the Eastern Cape, has won support from various social movements and organisations *(see page 6).*

Photographs:
Gerhard Kienast *(cover, pages 6, 12, 14, 15, 24, 27)*; Florian Kopp *(3-5)*; Henriette Gunkel *(7)*; Abahlali base Mjondolo *(9, 11)*; Calusa *(16)*; Hennie Marais/Talk of the Town/Avusa *(20)*; Shona Jennings/ECNGOC *(22)*; Airi Schmidtpott *(23, 26)*; Friederike Subklew *(25)*; Development Action Group *(28-32)*; Church Land Programme *(33-35)*; Andrea Dobinsky *(36-39)*.

June 2010

With its 'strengthening civil society programme' DED (German Development Services) has been supporting civil society initiatives for public participation since 2005. The initial idea for this reader was to assemble stories drawn from DED-supported projects in Eastern Cape and Mpumalanga provinces. However, during our research we found inspiring examples in other provinces too, especially KwaZulu-Natal and Western Cape, which we have included.

The first section looks at cases of community driven development and participation 'from below'. These are cases where communities have worked towards improving their living conditions and in doing so have needed to actively engage with local government. The communities that are described organised themselves, often with some outside assistance, and ultimately ended up confronting government – with mixed results. The Cata case shows how community driven development can be successful despite the weakness of rural local government. The Vulamasango Singene campaign is an example of mass mobilisation that was launched by a non-governmental organisation but carried forward by hundreds of communities. Abahlali baseMjondolo is an example of how a social movement of

shack dwellers can claim remarkable victories for participatory democracy.

Section 2, looks at cases where citizens have tried to use government's so-called 'invited' spaces, such as ward committees and Integrated Development Plan (IDP) processes, to make their voices heard. In the Great Kei story we show the challenges associated with getting ward committees to be functional. In another story the NGO Calusa has been trying to hold its local municipality accountable for years mainly through the IDP process. Some useful background information on public participation in the IDP process is given at this stage. Finally, the ratepayers association in Ndlambe is an example of public participation attempting to cross the boundaries of race and class.

DED is concerned about how public participation can be supported in a way that is truly empowering. That is why in the third section we look at different approaches to capacity development for public participation. Too often initiatives to strengthen the capacity of civil society and local communities become overly technocratic and suffocate people's initiative. However there are some very encouraging examples where support organisations such

as the Development Action Group (DAG) in Cape Town or the Church Land Programme (CLP) in KwaZulu-Natal have supported and facilitated processes of mobilisation and learning that are truly empowering. Section 3 also looks at the experiences of the German Development Cooperation with its 'Civil Society Support Programme' (CSSP) in Mpumalanga and Eastern Cape.

The final section looks at the importance of information for public participation and the role of the media. One story focuses on the opportunities and challenges faced by community media in the Eastern Cape when promoting information for public participation. Another story focuses on how two organisations, the Open Democracy Advice Centre (ODAC) and the Centre for Social Accountability (CSA), try to ensure citizens' 'right to know'. Finally, we have included a summary of the steps that are necessary to access information from public bodies like government departments and municipalities.

All the stories documented here are still continuing and in the making. Thus, we have provided websites or contact details of the organisations to encourage future dialogue and mutual learning.

Dr G M Teuber
German Development Service (DED)
Regional Director
South Africa and Lesotho

Julia Plessing
Coordinator
Strengthening Civil Society Programme

PUBLIC PARTICIPATION FROM BELOW

Cata – a showcase of community-driven development

Development initiatives in the village include an agricultural co-operative, a forestry project and a tourism venture. Horse-trail and bird-watchers' guide Ncedi Gcilitshana makes it happen.

On the Eastern slope of the Amathole Mountains lies a village that has become known as a model of community-driven development. At first sight this seems improbable: Cata consists of a mere 450 households accessible only via gravel roads from the neglected town of Keiskammahoek.

After forced villagisation in the 1960s and incorporation into the Ciskei homeland at the beginning of the 1980s, the village seemed doomed to endemic poverty. Basic services were virtually non-existent and there appeared to be little prospect of socio-economic development.

However, the situation has since improved markedly and the people of Cata now own a number of income generating enterprises. These include an agricultural cooperative, a pine plantation and a tourism venture that makes the most of the magnificent waterfalls, well-preserved indigenous forests and rare bird-life in the vicinity.

Cata's community-owned enterprises have increased employment from a meagre 4 percent in 2001 to 26 percent in 2007 according to a full household census conducted by the Border Rural Committee in mid-2007. During the same period the proportion of households with no income dropped from 43 percent to

4 percent. An overwhelming majority of households, 89 percent, believe that their quality of life has improved because of the development process; and 86 percent experienced this process as democratic. These figures must be read against the backdrop of the continuous economic decline of the rural Eastern Cape.

How did Cata manage to achieve these feats? John Ncinane, a committee member of the village's Communal Property Association (CPA) explains: "One of the key factors for success was to ensure that ownership lies with the community. It is important that projects are based on the assets of the community, instead of simply copying what is done elsewhere. In doing so, we did nothing else but implement the policies of the ruling party."

Community-based planning in Cata is unique in that the village had already secured control over resources by the time it embarked on the planning and implementation process. In a Restitution Settlement Agreement reached in 2000, Cata was granted more than R10-million

as compensation for land rights lost through the implementation of betterment policies. This set an important precedent for hundreds of other former Bantustan villages of the Eastern Cape that had likewise been excluded from restitution (see Vulamasango Singene, *page 6).*

Half of the compensation amount awarded to Cata was ring-fenced for development, with the balance paid out directly to the affected households. While the Amathole District Municipality (ADM) was given responsibility to administer the ring-fenced funds, the settlement agreement instituted a Project Steering Committee with decision-making authority over the development process.

The majority voice on the Steering Committee is held by the Communal Property Association (CPA) and all adult members of the Cata community are eligible, at no charge, to be members of the association. This structure has provided the basis for broad-based community participation in the planning and implementation of the development process. The CPA controls the restored communal

lands and is the owner of the tourism and agriculture companies that emerged from its investments. The CPA committee is elected in annual general meetings.

Another key for Cata's success was the integration of the planning and implementation processes. With the financial resources already secured, Cata was able during the planning phase to make concrete implementation plans as opposed to simply drawing up 'wish-lists' as is often the case. The Amathole District Municipality appointed specialised service providers to undertake the land surveying, agricultural planning and other planning tasks. An Eastern Cape based NGO, the Border Rural Committee (BRC), was appointed to co-ordinate and manage the planning and the implementation process. After two years of analysis and planning, which included frequent consultation with the elected leadership plus steering committee meetings, the Cata community and the Amathole District Municipality finally adopted an integrated development plan for the village.

The agricultural co-operative and forestry have multiplied employment.

By that time two of the many planned projects – the construction of a community hall and new classrooms – had in fact already been implemented. This was because the Communal Property Association had decided that as soon as consensus on priority needs was achieved it would go ahead with implementation so as prevent a build-up of frustration.

A third element contributing to the success of the process was the capacity building work done by the Border Rural Committee. This enabled the Communal Property Association to manage key aspects of the development projects: the community consultation process and communications. The exceptional level of motivation from an involved NGO can itself be seen as a factor in the success of the undertaking. The Border Rural Committee, which works towards pro-poor rural development, was in this instance driven by an intense determination to prove a point: that poverty in the former homelands can be reduced if more resources are invested, and that local structures are able to manage the process.

Local leaders left no doubt about their autonomy and have become articulate advocates of community-driven development. However they expressed concern about the lack of support from local government, which has been entrusted with the management of betterment compensation.

CPA chairperson, Bethwell Gcilitshana, who also sits on the BRC board explains: "The Amathole District Municipality is in rapid decline. Our PSC [Project Steering Committee] died a natural death. During the last three years the district has not called a single steering committee meeting. Now our resources have dried up and they even refuse to transfer interest accrued on our funds. It seems government's message is that people are not to be trusted with their own money," Gcilitshana said.

For some time Border Rural Committee promoted a framework for betterment compensation that regarded municipalities as 'preferred administering agents'. However BRC's former director, Ashley Westaway, indicated that this was no longer realistic when he stated: "[A]ll evidence suggests that local government is not remotely equipped to deal with economic and social aspects of development."

Searching for an alternative, the NGO has now adopted a civil society-driven model of development that is widely used in the European Union (EU), namely Local Action Groups. In Europe, Local Action Groups have been set up as private sector non-profit organisations that get direct access to EU funds, thus enabling local actors to take action without having to wait for approval from central or regional governments. BRC managed to broker support to pioneer the concept in three villages around Keiskammahoek.

At the time of writing it remained unclear whether such an approach would find support in government circles. But in the meantime the Cata case has clearly shown that rural development is possible even in the most remote places provided that local people are given adequate support and the chance to make decisions about their own resources.

Boniswa Tontsi of the Cata community museum tells the story of rural land dispossession and the community's successful struggle for restitution.

'Vulamasango singene' – open the door so we can go in

The former homelands of the Eastern Cape – Transkei and Ciskei – were created through a 70-year process of expulsion and dispossession. The Restitution of Land Rights Act, the first piece of legislation passed by the democratic parliament, was meant to provide compensation for the victims of such dispossession.

However, it did little for those who were born in the homelands and who were subjected to official 'betterment' policies in the 1950s and 1960s. Thousands of people lost houses, land rights, crops and cattle in a process of forced 'villagisation', which destroyed an entire way of life. By 1996, government had decided that victims of betterment schemes were not eligible for restitution. Prior to the end of 1998 cut-off date for the lodging of land claims, government did nothing to inform communities about their rights and much to discourage claims of that nature.

The Border Rural Committee (BRC), an East London-based land rights NGO, challenged this policy. It assisted Cata and the villages surrounding Keiskammahoek in the former Ciskei in lodging their claims and negotiations, which led to precedent setting settlement agreements. In 2002, BRC launched 'Vulamasango Singene', a campaign to push for a re-opening of the lodgement period for betterment victims. If the campaign, which is still underway, succeeds it will unleash a significant amount of development resources into former homeland areas that continue to be starved of state funding. Based on estimates that 30 000 Ciskei and 150 000 Transkei households were dispossessed by betterment, redress would amount to approximately 10 billion Rand.

To achieve this, BRC embarked on one of the most ambitious mobilisation drives in post-apartheid South Africa. In hundreds of campaign meetings information was disseminated, testimonial forms were filled in and village committees formed. Speak-outs allowed elderly people to share first-hand experiences of dispossession with younger members of the community. In visioning exercises, villagers identified and prioritised their needs. By the end of 2007, almost 75 000 households

10 March 2010: Thousands of victims of betterment schemes from towns and villages all over the Eastern Cape deliver a memorandum to the Provincial Minister of Land Affairs.

Border Rural Committee,
Tel: 043 742 0173,
www.brc21.co.za

Vulamasango Singene,
Nomgcobo Somdyala
(Secretary): 078 6827 174

had filed declarations. Seven hundred villages had elected committees and sent representatives to district committees and a provincial committee.

After tireless advocacy by the BRC, prominent political leaders pledged their support for the campaign. In June 2008 the Minister of Land Affairs publicly acknowledged the prejudicial treatment of betterment victims. An institutional framework for a Betterment Redress Programme was drawn up. Finally however, negotiations between government and the campaign leadership failed to reach agreement over the appropriate forms of compensation. While civil society favours the '50/50 Cata model' (a mix of development and cash compensation for individual households), government is of the opinion that this would require a change of legislation. Hence, it was agreed that the only way to resolve the problem was to bring the matter before court. The Minister undertook to pay for the communities' legal counsel and to cooperate in the process. The legal team of the campaign lodged the papers in August 2009. At a court hearing in April 2010 the case was postponed to July 26 in order for the matter to first be heard and considered by Cabinet, in the hope that it could be settled out of court.

Meanwhile, a decision was taken to convert the Vulamasango Singene campaign into a mass-based organisation. Given that years of patient lobbying of political structures had not stopped the decline of the former homelands, the leadership of the campaign resolved that rural people need to organise themselves in order to play a more active role in the development of their communities.

Ashley Westaway above Cata

Finding models of success

Interview with Ashley Westaway, former Managing Director of the Border Rural Committee, Grahamstown, 8 October, 2009.

Gerhard Kienast: During the last decade your organisation has gained ample experience interacting with local government. Originally, the Border Rural Committee provided much support to government, later you argued for a 'critical partnership'. However BRC's new Strategic Plan states: 'evidence from the last four years suggests that government's main interest is bureaucratic power and not development.' Could you explain how you have come to this conclusion?

Ashley Westaway: The 2010 Strategic Plan comes out of a place of profound disillusionment. Instead of seeing local government emerge in relation to its constitutional mandate of being developmental, we have seen the opposite taking place: there has been a steady decline of local government capacity… of local government interest in development.

I am talking specifically in relation to local government in the former Bantustans. Because there is a policy preference for unelected, so-called traditional structures, the crumbling nature of the system in these areas is no surprise, nor is it necessarily unintended on the side of government. In the context of a policy that wants to rule the [former] Bantustans by welfare, custom and tradition, rather than by democracy, rights and development, those few individuals, councillors and officials, who have good intentions and capacity, find themselves in a more and more difficult position.

GK: BRC's Strategic Plan also refers critically to "a rapid abandonment of mass mobilisation by the elected government, in favour of centralised and technicist governance."

AW: Mass mobilisation was one of the reasons why the Struggle was won. And the ANC did have a choice. It had the option to retain mass mobilisation as a

key strategy, even from within government. The potential for development is much greater if you decentralise and devolve right across the population, as opposed to putting responsibility in the hands of some individuals who themselves have very low socio-economic capacity and low levels of education.

GK: But the institutional framework for the Betterment Redress Programme that you helped to develop still revolves around local government. At the moment there is no other structure that could drive the process and handle the monies involved…

AW: This is why we find the Local Action Group (LAG) concept very interesting. It gives greater power to civil society. Instead of regarding local government as the hub for development it is based on an institutionalised partnership arrangement, which puts civil society on an equal footing with government and local business. … The second reason is: it is policy in Europe. This is not a crazy idea that is 'pie in the sky'. And the cooperation between Finland and South Africa is piloting it, which means that there is some sort of openness to looking into alternatives.

We always maintained that it is necessary to demonstrate things practically instead of merely trying to win arguments in an abstract way. … And I think if one is experimenting with a new model, which has no recognition in law or policy then it becomes even more imperative to be able to demonstrate.

GK: How do the local communities BRC has been working with see their own rights and responsibilities with regard to development? How would you describe their concepts of 'participation' and 'advocacy'?

AW: Generally speaking, the complaint about people's low level of education and capacity is similar to the economic argument that says many people in this country are 'unemployable', meaning 'it is not the fault of the system, it is their own fault.' To use this set of arguments is highly problematic, very self-serving on the side of the elite. Of course there are real challenges in relation to consultation and participation. However, the onus is on facilitators and leaders to construct and implement useful approaches.

A big, big benefit in Cata is the trust that has been established. On the one hand, people feel free to speak. On the other hand, there is now also a high degree of confidence, both in the CPA [Communal Property Association] and in BRC. There is no doubt that trust makes the processes of consultation and participation a lot easier.

But I think one has to work for that trust. This is the benefit of committing to a long-term process. If BRC has done one thing right it was the consistency at the level of strategy and consistency in its relations with the community.

The onus is on facilitators and leaders to construct and implement useful approaches.

GK: Cata is a highly successful example of community-based planning (CBP). But Cata is different from other communities where CBP was piloted because it won its betterment case and had money at its disposal, while other communities have much fewer resources to decide about. Could the Cata model be replicated without the resources of betterment redress – and could it be replicated without 'hand-holding' by a well-resourced NGO?

AW: I think resources are a precondition for poverty eradication. However, resources take on various forms. Think of the livelihood model, which describes different kinds of resources, different kinds of capital. To some extent the networks that exist for the Cata community through BRC are now part of its capital.

Often we ask the question about replicability too early.

I don't think there is one straightforward answer to this question. Often we ask the question about replicability too early. We live in a province where the everyday experience is one of failure. Hence, we need to be very serious about finding models of success. Once we have found them, we are in a position to ask about replicability.

Besides, how we think about development is too narrow. I think development is about a conception of humanity, of society – as opposed to creating these 10 jobs for the next 5 months. The classical modernist approach of saying 'I know better, I have the expertise, therefore I will show you the way' is not going to give us what we need in this country.

Abahlali baseMjondolo – struggle for land and housing becomes struggle for democracy

Abahlali baseMjondolo (AbM), a social movement originating from Durban, claimed some remarkable victories for participatory democracy in the five years leading up to 2010. In 2006, using the Promotion for the Access to Information Act, Abahlali baseMjondolo (whose name derives from the isiZulu term for 'shack dwellers') compelled their municipality to disclose plans for the city's informal settlements and its housing budget.

In February 2009, after tough negotiations with eThekwini, the metropolitan municipality into which Durban falls, they reached agreement that the 'clearance' of the 'slums' they live in would follow principles of in situ upgrading rather than relocation outside city limits. In October 2009, the Constitutional Court upheld AbM's application that the 'KwaZulu-Natal Slums Act' invited arbitrary evictions and thus declared it unconstitutional.

But the announcement of the legal victory happened to come in the hour of the movement's greatest trauma. Armed militia attacked Abahlali baseMjondolo's strongest base, the Kennedy Road settlement, on 26 September 2009. In the aftermath, the houses of AbM supporters were destroyed, 13 members were imprisoned and death threats forced the movement's leaders into hiding. Amnesty International expressed concern over "the apparent unwillingness of the relevant authorities in investigating these crimes" and over official comments, which "could have the effect of inappropriately criminalising a whole organisation and making its members vulnerable to threats of violence" [AI Index: AFR 53/011/2009, 16 December 2009].

How is it that a social movement, which used the freedoms guaranteed by the constitution, has attracted so much hatred? Why is it not protected by the State, which is supposed to defend the same freedoms?

Popular social movements, like Abahlali baseMjondolo, the Landless People's Movement in Johannesburg and the Anti-eviction Campaign in Cape Town, pose a serious challenge

to the ruling party because of their refusal to vote. Since they adopted the slogan 'No Land! No House! No Vote!' they have been subjected to all kinds of State repression, ranging from the banning of marches to illegal police assaults and detention.

Abahlali baseMjondolo's radical position did not emerge overnight. Over years Kennedy Road sent representatives to meetings with government. Confrontation began in March 2005 when shack dwellers found out that land they had been promised by their ward councillor had been developed for a brick-making factory. People embarked on roadblocks and mass demonstrations, which soon gained support from other settlements across the city. The ANC and government officials reacted angrily. Some suspected opposition parties of inciting the poor; some blamed academics at the University of KwaZulu-Natal (UKZN); others spoke of a 'third force'.

In November 2005, S'bu Zikode, the elected chairperson of Abahlali baseMjondolo, responded to these allegations: "The Third Force is all the pain and the suffering that the poor are subjected to every second in our lives. ... Those in power are blind to our suffering. ... My appeal is that leaders ... must come and stay at least one week in the *jondolos* (shacks). They must feel the mud. They must share six toilets with six thousand people. They must dispose of their own refuse while living next to the dump. ... They must chase away the rats and keep the children from knocking over the candles. They must care for the sick when there are long queues for the tap. ... They must be there when we bury our children who

have passed on in fires, or from diarrhoea or AIDS."

Over the years, many intellectuals assisted the shack dwellers' movement, however it is a misconception that they formed it. One of the first who went to Kennedy Road was political scientist Richard Pithouse, seeking to understand the community's reasons for protest. In his view, "The key factor (for the movement's success) is that Kennedy Road had developed a profoundly democratic political culture and organisation, years before they blockaded the road." Until 2005, many who later joined AbM were organised in ANC structures. Initial protests were not intended to trigger a break from the ruling party: Pithouse is sure of this. "The radical opposition was forced on the activists because the party responded with police force instead of engaging with their demands," he stated.

Impressed by the integrity of S'bu Zikode and other shack dwellers and by the ideas they expressed, people like Pithouse helped them get in contact with human rights lawyers who would defend those arrested during the protests, and with the Freedom of Expression Institute, which asserted their right to march.

The main demand of the movement was always land or housing close to working opportunities, schools and clinics. Assisted by the Cape Town-based NGO, the Open Democracy Advice Centre (ODAC), AbM used the law to get access to the official plans for their areas. These plans confirmed that the municipality intended to demolish shacks and relocate people to the periphery of the city. The threat of eviction mobilised even more people to support the movement.

Since their ward councillor would not yield to the community's demands for his resignation, the shack dwellers effectively started to govern themselves and gradually gained recognition from government departments. The Kennedy Road Development Committee started to issue letters confirming residence, as these are needed to access social grants. AbM managed to negotiate directly with State officials about the installation of public toilets, issues of policing and disaster relief after shack fires. Clearly, this was made possible by the pressure created through mass mobilisation along with skilful media work.

Repeated arrests and police violence against the movement's leaders, evictions and fire disasters in several shack settlements did not break the momentum. Throughout 2006 and 2007, AbM organised marches against the Ethekwini Municipality, which privileged middle class housing and office and entertainment parks. Faced with shack dwellers' determination and growing embarrassment over the fatalities caused by shack fires, the municipality started to negotiate.

Project Preparation Trust (PPT), a service provider facilitating housing projects on behalf of government, was mandated to find a consensus. AbM seized the opportunity but did not compromise its commitment to grassroots democracy. When PPT requested the nomination of two negotiators, this was rejected. Abahlali insisted that each of the 14 affiliated settlements could send two representatives. These representatives had no mandate to make decisions during negotiations. Hence, each proposal had to be brought back and discussed in

the respective community. Taking democracy a step further, AbM sent 'less prominent' people as representatives in order to broaden community knowledge about the process. For political scientist, Pithouse, this is fascinating stuff: "AbM deliberately works with a delay through participation. They embark on 'slow politics' to ensure that all members of the community are part of decisions."

By February 2009 an important breakthrough had been made. AbM and city officials agreed on the modalities of in-situ upgrading and on alternative housing for shack dwellers who could not be accommodated within the parameters of the existing settlements.

However negotiations with the municipality did not prevent the movement from mobilising against provincial legislation that was undermining shack dwellers' tenure security. The 'KwaZulu-Natal Slum Elimination and Prevention of Re-emergence of Slums Act' of 2007 gave the housing MEC powers to force landowners and municipalities to institute eviction proceedings. AbM had requested participation in the public hearings on the bill. The provincial legislature reluctantly conceded, but dismissed all of Abahlali's submissions (and many others). When the law was enacted, AbM launched a legal challenge to have the Act declared unconstitutional.

In October 2009, the Constitutional Court found in its favour and ordered that all costs of AbM's court applications be carried by the KwaZulu-Natal government. The judgement underlines that "eviction can take place only after reasonable engagement. … Proper engagement would include taking into

proper consideration the wishes of the people who are to be evicted, whether the areas where they live may be upgraded in situ; and whether there will be alternative accommodation, [Business Day 04 November, 2009]."

AbM president S'bu Zikode, still in hiding after the attacks on his Kennedy Road home, had reason to be proud after the court decision. In the Mail & Guardian (16 October, 2009) he was quoted as saying it "had far-reaching consequences for all the poor people in the country and validated ABM's role as protector of the Constitution, and a champion of the rights of the ordinary people of South Africa." Zikode also expressed hope that the judgement would "see the end of forced removals to transit camps and temporary relocation areas."

But the question remains as to what will become of the agreement reached with eThekwini since the homes of over 30 activists were destroyed and dozens, some said hundreds of families were driven out of their homes. According to Pithouse "the movement is now operating underground in some areas and, due to the enormous pressure it is now under, struggling to sustain its practice of open and regular meetings."

In a panel discussion on human rights activism and litigation held at Wits Law School on 02 October, 2009, visiting senior research fellow Stuart Wilson pointed to the political significance of the activists' persecution: "… we have a Constitution which, at least formally, guarantees the inclusion of all in the political community. But democracy must also fill the spaces between the elections. The freedoms guaranteed by

the Constitution must be practiced – and permitted to be practiced by the citizenry. The attack on Abahlali is an attempt to stamp out that vital practice of democracy."

TOP: Before the attacks: 3,000 people celebrate 'unFreedom Day' in Kennedy Road Settlement (27 April 2009).

MIDDLE: Solidarity with imprisoned comrades in front of Durban Magistrate's Court.

BOTTOM: S'bu Zikode, chairperson of Abahlali baseMjondolo.

School children from Mangqukela village in Mooiplaas, Great Kei, trying to 'make ends meet'.

CIVIL SOCIETY INVOLVEMENT IN MUNICIPAL MATTERS

Great Kei – who will turn things around?

The wave of local protest action which is on the increase in South Africa since 2008 exposes the inability of many municipalities to deliver basic services to their residents. It also casts doubts over the appropriateness and functionality of public participation mechanisms, which largely depend on the ward committee system.

Great Kei Municipality, which covers the Eastern Cape coastal towns and tourism resorts north of East London along with a deep rural hinterland, is just one of many local governments where mismanagement sparked angry discontent amongst the people.

Mncedisi Mcilongo, a seasoned activist and committee member from Great Kei's Ward 3, provides many examples to illustrate the lack of community consultation and feedback. Ten years ago the Department of Public Works commissioned a concrete structure bridging the small stream next to Mangqukela village. By January 2010 there was still no linking road between the bridge and gravel road passing nearby. The Mangqukela primary school was supplied with a new water tank to collect water from the roof. However, nobody bothered to install the pipes, leaving it up to teachers and school children literally to make ends meet. "The little infrastructure that is provided is simply dumped.

How can the ward committee monitor projects if the departments don't share any information?" said Mcilongo.

When interviewed in October 2009, the Strategic Director Dumisani Mbizeni, who joined the municipality in 2008, pledged that things had started to change for the better. For 2009/10 the municipality drew up a schedule of 'IDP dates of engagement.' This looks like a text book example, with consultative meetings scheduled for every ward. "If people say they want dams, we will write to the Department of Agriculture and say that a particular village expressed this need. Ward committees should then follow

up to ask about progress," Mbizeni stated.

The functioning of ward committees depends on the energy and dedication of the individual ward councillor. Some seemed to be on top of their game and made good use of the additional capacity provided by Community Development Workers (CDW) assigned to assist in these processes. Others tended to delegate such tasks to ward committee members. This put great strain on the elected volunteers who were not reimbursed for out-of-pocket expenses like airtime and transport.

As a member of the municipal committee on public participa-

tion, Mr Mcilongo was aware that government policy is meant to provide R15 000 to each ward committee. "A portion of this money could cover our own expenses. Another portion could be used to facilitate meetings between the villages. They are too far apart to consult at ward level," he explained. Director Mbizeni agreed that funds for public participation were insufficient: "When we followed this up with the [provincial] Department [of Local Government and Traditional Affairs] it seemed that no one knew about it. As a municipality, we don't have a budget for the ward committees." Great Kei only provided transport and catering when meetings were called by the municipality.

Monitoring of performance requires the availability of key documents at ward level. These may be available at the municipality's website, but for rural areas this is of little help. Fikiswa Jack, committee member from Ward 1 said she would like to share the IDP with her community. However she added, "As long as there is no copy in our ward it is difficult to make a follow up." Director Mbizeni said the council had already approved the creation of ward-based offices for each councillor, which would have such resources, along with computers.

In terms of other duties fulfilled by ward committees, the Great Kei Municipality's 'Public Participation and Petitions Policy' was not specific. Ms Jack listed a wide range of tasks. Some of them, like the identification of community priorities for the IDP, matched the official guidelines. For other tasks, like identifying the recipients of food parcels, the administrative functions were allocated to a structure that is meant to be

Lots of goats and a little white elephant: Mangqukela's bridge and the road passing nearby.

independent and should focus on the promotion of participatory democracy.

A representative composition of ward committees is one of the keys to ensuring proper community participation. The Strategic Director explained: "The councillors and the administration went to the wards and convened general meetings. ... The first process was to nominate 15 people across the ward. In a follow-up meeting ten people were elected. ... The criteria would be that every corner of the ward and every stakeholder should be represented."

Regarding the tendency for ward committees to be dominated by party politics, Mbizeni said the council was taking the following proactive steps: "We encourage civic organisations to be part of it ... We involve the ratepayers, the sports council, religious communities … We don't even touch the word politics because we don't want to politicise the structure."

Despite these measures Mbizeni admitted that it was an uphill battle to keep political rivalries from interfering in the work of ward committees. Three attempts to hold elections in Ward 5, which includes Komgha as well as farm areas, failed due to the rivalry of civic organisations

Great Kei Municipality,
Tel: 043 831 1028,
www.greatkeilm.gov.za

Chintsa East Ratepayers and Residents Association,
www.chintsaeast.com

affiliated to different political parties, "each one standing in one corner ... trying to take it all." When the municipality tried to convince nominees to allow space for representatives from farm areas, the meeting was disrupted. For Mbizeni this was a big concern: "If there is no ward committee, one part of the community will be sidelined. ... We need leaders with qualities who can diffuse mistrust."

Komgha was not the only place where trust had hit rock bottom. Ratepayers from East Coast towns like Chintsa and Kei Mouth had declared a dispute with the municipality and formed a rare coalition with the residents of the nearby townships and informal settlements. The ratepayers, who refused to respond to a participation drive initiated by the municipality quoted several incidents of mismanagement and a breakdown of service delivery: they were calling for the dissolution of the entire council. Speaking in December 2009 lodge owner Ian Crawford, of the Chintsa East Ratepayers and Residents Association, saw no room for compromise: "They are incompetent and corrupt. We will not engage with the municipality unless there is a curator or liquidator to run Great Kei. First everybody must go! Then we can fix the problem, have new

elections and carry on."

Crawford's opinion was seconded by Nosipho Gabayena, a food vendor in the nearby township: "We have been trying for so long to engage the municipality to get basic sanitation. It is now more than three years that the people who collected the buckets from our public toilets stopped, apparently because they weren't paid."

Even Sanco (the South African National Civic Organisation) and ward committee members from the coast joined the ratepayers' appeal to the province to take control of the local authority. The lack of response to poor people's needs, coupled with severe cases of corruption had alienated the residents from the council, which was seen to be run by people living inland. "Municipalities leave ward committees alone," complained veteran activist Mncedisi Mcilongo. While he rejected the radical solution proposed by his coastal comrades he also saw a need to overhaul the system: "Communities must be empowered to organise themselves. As long as committees depend on the ward councillor to chair the meetings, as long as there is no proper communication and no municipal resources for public participation, the system will not work."

Civil society ignored – a struggle for participatory local governance

The State of Local Government report prepared by the Department of Cooperative Governance and Traditional Affairs (COGTA) in 2009 provides a relentless account of the "break-down of local democracy." It identifies "insufficient monitoring and accountability of mayors and councils" as one of its root causes for this. Part of the blame is laid at the doorstep of the media and civil society, which the report describes as "ineffective in increasing municipal accountability and oversight."

One of the locally based rural development NGOs that has consistently lobbied for community participation in local government is Calusa (originally the Cala University Student Association), based in Sakhisizwe Municipality under the Chris Hani District of the Eastern Cape. From the mid-1990s, the NGO helped establish community development committees (CDC) in the villages around Cala. After the introduction of Integrated Development Plans, Calusa regularly mobilised CDC representatives to participate in the process. However, despite these proactive efforts to increase participation, the municipality remained reluctant to account to the communities it served.

The director of Calusa, Fani Ncapayi, recalls: "For instance, in 2002, residents of Cala had to wage a campaign to force the municipality to make its budget available and report on how the budget had been utilised. When there was no response from the municipality, residents staged a sit-in in the offices of the municipality. Instead of providing information, the municipality called in the police to sjambok the residents."

After the local elections of 2006, Calusa submitted detailed comments to both the local and the district Integrated Development Plan. According to the local municipality, its IDP was based on recommendations made by a Representative Forum and ward meetings. Calusa protested, saying that no meetings had taken place after the local elections; that the publication of the advert was late; and that Sakhisizwe Municipality did not communicate in isiXhosa, the local language, thereby excluding many citizens.

In June 2007 the NGO convened a wide range of local civil society structures, including farmers' associations, teachers' unions, the Council of Churches, the local clinic, various community based organisation and ratepayers. A joint submission expressing concerns about the municipality's management processes was prepared for submission to the municipal council. Among the three most serious concerns raised was the fact that the municipality had budgeted a R1-million loss. Secondly, 70 percent of the equitable share allocation from national government had been spent on personnel costs. This unconditional grant is intended to fund a range of municipal activities but mainly free basic services for the indigent. Finally the IDP had been prepared as if the municipality was starting its planning on a totally clean slate.

According to the joint submission of local civil society organisations the IDP should

Calusa's Siphiwo Liwani (left) and members of the Cala Reserve community development committee.

July 2008: The 'Sakisiszwe Crisis Committee' denounces nepotism and fraud by leading municipal officials.

reflect how projects from the previous IDP were implemented and whether in fact they were implemented at all. This enables communities to monitor the performance of the municipality. The self-organised Stakeholder Forum compiled detailed questions and suggestions. Its submission concluded with an appeal: "… we do not only want to participate in making comments to the IDP when it is almost finished. We want to participate in all its stages as stipulated in law."

Civil society organisations then called for a meeting to which the Mayor consented. In an unprecedented six-hour meeting, a delegation from the 'civil society coalition' was given a chance to discuss its concerns with the municipality. The Mayor acknowledged that the points raised by the

coalition constituted the only written submissions received, also recognising the value of the comments. Ncapayi recalls: "Some councillors agreed with the issues raised, calling for the municipality to be transparent and to allow for communities to participate. ... The Municipal Manager also acknowledged a number of issues and promised to work closely with us as we move forward."

However what seemed like a breakthrough at the time had little effect. It was too late to make major adjustments to the IDP and budget. When the next annual IDP review was due, the municipality simply published a document that was in essence a copy of the one tabled a year before. Civil society felt frustrated.

Eventually, the lack of accountability within Sakhisizwe

Municipality led to a crisis. In July 2008, municipal workers, organised under the South African Municipal Workers Union (SAMWU), went on strike, pointing to the flawed tender processes and denouncing nepotism amongst the management. "The Municipal Manager was employed because of his friendship with the Mayor. Others were recruited who do not even have matric," according to a compilation of 'community demands' prepared by the so-called 'Sakhisizwe Crisis Committee'. The committee included union members, Calusa, Sanco and other local CSOs and compiled a long list of grievances. Among these were: "RDP houses are not handed over to owners after completion, housing contractors are not paid in time, no indigent policy is in place." Also highlighted was the complete lack of con-

sultation: "Ward committees no longer exist, nor do the Local AIDS Forums or inter-departmental forums."

Whilst the crisis committee tried to arrange a meeting with the council, Sakhisizwe Municipality secured a court interdict against SAMWU, declaring that the workers were embarking on an illegal and unprotected strike. In response, the committee staged a march and urged the MEC for Local Government and Traditional Affairs, Toko Xasa, to intervene and suspend both the Mayor and the Municipal Manager.

During August 2008 Xasa engaged in a fact-finding and trouble-shooting exercise. After long consultations with the Mayor, Municipal Manager and other officials, the MEC was ready to hear the demands of the 'crisis committee'. Minister Xasa asked for more evidence for the accusations levelled at the officials and promised that, once supporting documents were provided, the department would send an investigation team.

Two weeks after submitting the documentation requested, the 'crisis committee' took occupation of the Sakhisizwe Municipal offices in order to force

the MEC to intervene with immediate effect. Ntsikelelo Saleni, Municipal Manager for Integrated Planning and Economic Development (IPED) recalls: "The employees locked the managers out. We had to resort to legal processes and applied for court interdicts." A permit that had earlier been granted allowing the employees to engage in a protest march was withdrawn, and the protesters were ordered to vacate the municipal offices, which they did.

In the first week of September 2008, ministerial investigators spent three days in Sakhisizwe to establish the facts behind the accusations raised by the union and civil society. At the time of writing (April 2010), the report had not yet been officially published. In August 2009 Calusa filed a request for information with the Provincial Department for Local Government and Traditional Affairs (DLGTA), but likewise no answer had been received at the time of publication.

In the meantime the 'Sakhisizwe Crisis' was solved in another manner. Popular protest was quelled by a combination of disciplinary procedures against striking municipal staff and political crisis management.

Altogether 88 workers were affected: some were suspended from work and others had to pay heavy fines. An intervention by ANC General-Secretary Gwede Mantashe persuaded union members that the removal of the Mayor should rather be pursued within party structures.

All this happened in a climate of nation-wide political turmoil in which party political contestation ultimately overrode the democratic process. After the split of the ruling party and the establishment of the oppositional Congress of the People, members of the community started to take sides and abandoned the 'crisis committee'. No room was left for considering the developmental demands raised by the crisis committee, and politically non-partisan civil society structures like Calusa simply had to rest their cases. Nonetheless Calusa played a key role in analysing the issues at stake, offering constructive criticism and exposing a culture of patronage and nepotism. After the adoption of the 2009 IDP, Fani Ncapayi wrote another letter to the municipality asking how local communities could participate, but once again there was no response. "[T]hey just ignored us," he said.

Sakhisizwe integrated development planning – tool or hindrance?

Sakhisizwe Municipality consists partially of white-owned farming areas around Elliot along with parts of Xhalanga, a former district of Transkei. Due to its weak socio-economic profile, lack of functionality and service

backlog, in the 2009 State of Local Government Report prepared by COGTA, it was classified (along with most municipalities of the former Transkei and Ciskei) as being among the 'most vulnerable' municipalities nationwide.

In June 2009 the National Treasury listed Sakhisizwe as one of 64 municipalities in 'financial distress'.
Since its inception the municipality has struggled to comply with the IDP and budget processes prescribed

by legislation. Capacity constraints are an important factor: as of late 2009, four posts were vacant in the department of planning and economic development (IPED) alone. The IPED manager was also the acting head of community services with public participation just one more task that he had to undertake.

While lack of capacity is clearly a problem it does not fully explain the ongoing disregard of civil society input by the municipality (as described in the previous section *Civil society ignored – a struggle for participatory local governance*).

Time and again, Calusa and other organisations engaged constructively with the Sakhisizwe Municipality's problem analysis and development strategies. To give just one example, in a submission for the IDP review prepared in May 2007 Calusa highlighted the lack of grazing land and pointed out that there was no plan to support emerging farmers: "Sakhisizwe must conduct a land audit so that the municipality and the residents know how much land the municipality has." Calusa also identified numerous shortcomings and mistakes in the 2006/2011 IDP, which appeared to be a copy of the IDP of another municipality, as it referred to 'beach control'. Sakhisizwe is more than 150km from the coast.

While previous IDPs provided only generic information on land and spatial development, the one for 2009/10, based on a Spatial Development Framework formulated by a service provider, did include some strategies for residential and infrastructure development. However a comprehensive land audit was not carried

out. Tellingly, one of the performance indicators listed in the 2009/10 IDP was "an asset register and detailed land audit by 2003/04."

The 2009/10 IDP did have a long list of municipal projects which suggested that some infrastructure development was under way, although mainly without funding. But for an outsider it was impossible to track progress. For one thing, the order and numbering of projects is changed from year to year and effective monitoring requires at least that projects are consistently numbered and that the same list is used from one year to the next.

While integrated development planning is designed as a tool of developmental local government and one of the most important mediums for community participation, an examination of the IDPs produced over a number of years by a weak municipality like Sakhisizwe showed that it has been of little use in such an environment. It also indicated how frustrating civil society's attempts to engage constructively with this technical process have become.

Faced with a myriad of such situations, the Department of Cooperative Governance and Traditional Affairs (COGTA) realized that the "complexities of compliance" with the legal requirements of annual IDP and budget planning are "way beyond" the capacities of rural municipalities. While a simplification of planning processes is overdue, in the interests of local democracy any new approach should provide greater incentives for municipalities to consult local communities, and allow less administrative discretion in dealing with their inputs.

IDP and budget processes in a nutshell

Section 25 of the Municipal Systems Act of 2000 (MSA) requires each municipal council to adopt an Integrated Development Plan.

IDPs must include:

• The council's vision for the long-term development of the municipality.

• An assessment of the existing level of development, including an identification of communities which do not have access to basic municipal services.

• The council's development priorities and objectives for its elected term and respective strategies.

• Disaster management plans.

• A spatial development framework including basic guidelines for a land use management system.

• A financial plan with a budget projection for at least the next three years.

• Key performance indicators and performance targets with regard to each development priority.

The IDP is linked to the municipal council's five-year term of office. Its elaboration must start shortly after the new council takes office and must be guided by a process set out in writing. Before adopting the process, council must consult the local community and give notice

of its particulars once the process is adopted.

According to ministerial guidelines, planning must be broken down into five planning phases: (1) analysis of development needs, (2) the elaboration of strategies, (3) project planning, (4) integration of the various elements of the plan, and (5) adoption by the council.

Legal requirements for public participation

Section 29 MSA requires municipalities "to allow for the local community to be consulted on its development needs and priorities (... and) to participate in the drafting" of the IDP.

Ministerial guidelines recognize that it is not feasible to allow for broad direct participation in all phases of the planning process and suggest different mechanisms for different phases. Guidelines call for the establishment of an IDP Steering Committee composed of senior officials and an IDP Representative Forum comprising members of the Executive Committee, councillors, traditional leaders, ward committee representatives, senior officials, representatives of organised stakeholder groups, advocates for unorganised groups, community representatives and other resource persons.

Further stipulations for participation state: (1) community and stakeholder meetings should take place during analysis, (2) the elaboration of strategies should happen at district level, with representatives of sector departments and selected representatives of stakeholder organisations and resource people, (3) municipal officials should discuss localised community-level projects with the affected communities, (4)

IDP Representative Forums should be consulted during the complex phase of integration, and should monitor the implementation of the IDP once it is adopted, and 5) before adoption council should allow for broad public discussion/consultation within all community/stakeholder organisations and give opportunity for comments from residents.

Section 21A of the Municipal Systems Act requires that all relevant documents be made public by display at the municipality's head and satellite offices and libraries, and on the municipality's website, and by notifying the local community. Notification must be done in the local newspapers or by means of radio broadcasts covering the area of the municipality. If appropriate, the municipality must invite the local community to submit written comments or representations.

Timeframe for IDP and budget review

Municipal councils must annually review their IDPs in accordance with an assessment of the performance targets set out, and to the extent that changing circumstances so demand.

The Municipal Finance Management Act of 2003 (MFMA) requires that the IDP and budget processes be closely aligned. The annual budget needs to be approved by council before the start of the financial year, i.e. no later than 30 June. Simultaneously, a revised IDP needs to be adopted.

The MFMA requires municipalities to stick to key deadlines for all stages of the IDP and budget process. The mayor must table his/her schedule in council by 31 August (10 months

before the start of the budget year). Since the time schedule determines the opportunities for public participation it should be made public.

According to MFMA Circular No. 10 of 2004, the first round of external consultations should commence around October and include public meetings in local communities as well as meetings with key stakeholders. At the same time the municipality is supposed to consult with other municipalities, and provincial and national departments.

The draft budget and revised IDP must be tabled together in council no later than 1 April. Once the budget is tabled, the accounting officer must immediately (on the same day) post the budget, the revised IDP and all related documents onto the municipal website and make hard (printed) copies publicly available. Simultaneously the local community must be invited to submit representations.

The council is required to have hearings on the budget before it is considered for adoption. Council must consider all submissions and representations received during the hearings process. The mayor is expected to respond to the recommendations and to make revisions and amend the tabled budget where necessary.

After the mayor has responded to the recommendations and made amendments to the draft budget, the full council must meet to consider the budget for approval no later than 31 May. Council must meet every week until the budget and IDP are approved. If the budget is not approved before 30 June, it could result in provincial intervention and the dissolution of the municipal council.

Ndlambe – responsible ratepayers push for responsive local government

Ndlambe Local Municipality in the Eastern Cape stretches from Port Alfred to Alexandria and is blessed with beautiful beaches and estuaries. It is also home to thousands of people in townships and villages that lack basic services. With its rapid growth in the number of holiday villages and golf estates Ndlambe should be one of the most affluent municipalities of the Eastern Cape and, thus, capable of closing the gap of social inequality. In terms of the quality of governance, however, things could not be much worse.

For years the municipality has been making headlines for all the wrong reasons. A string of cases of mismanagement and corruption have shaken its local government. Some of these include repeated qualified audit reports, failure to produce a correct property valuation roll, controversies around 39 stolen laptops, and raw sewage flowing through Port Alfred's township. In early 2009, the Municipal Manager was suspended.

As in many places, mismanagement, wasteful expenditure and bad service delivery in Ndlambe come hand in hand with a lack of accountability, and signs of arrogance towards civil society. In a presentation given at a public seminar in March 2008, Charles Pellew, then chairperson of the Port Alfred Ratepayers' and Residents' Association (PARRA), exposed a complete lack of responsiveness on the part of the municipality, presenting a list of 23 unanswered letters sent over a period of three years. Correspondence ranged from objections against the sale of municipal land to detailed comments on the municipality's Spatial Development Framework. "No matter whether the letters are written by individuals, our association, or attorneys, the practice of ignoring correspondence is the norm and totally unacceptable," stated Pellew.

PARRA is a voluntary member-based association open to any adult "who is an owner or occupier of residential land or buildings, or a non-resident ratepayer of residential property in the area." According to the constitution, the association aims "to transform Port Alfred into a benchmark for civic and community cooperation." The association seeks to participate in long-term planning, and to monitor compliance with the constitution and legislation as well as the integrity of the financial management of the Ndlambe Council. It also aims to support business development, and preserve the natural environment. It has formed an alliance with six other ratepayers' associations within the Ndlambe Local Municipality called the Ndlambe Ratepayers' Forum (NRF).

The ratepayers' participation efforts are not limited to written submissions. Regularly they send observers to attend council meetings. In Ward 7, which covers Port Alfred and has elected a councillor from the oppositional Democratic Alliance, a representative of PARRA also serves on the ward committee. While this has allowed the association to keep track of all major developments within the municipality, PARRA has little say in setting the municipality's goals and running its affairs.

Until recently, the annual IDP and budget review caused PARRA a lot of frustration. When interviewed in October 2009, ward committee member and bed and breakfast owner Victoria Petersen complained: "We were very angry when the annual budget came up. Yes, the Mayor called public meetings … but when the meeting in Port Alfred was held, it had already been passed by council." Maybelle Botha, a retired librarian and chair of PARRA concurred: "All the other meetings were held after working hours so that people who work could get there. The meeting in Port Alfred where the white people would attend was the only one held during working hours and after the fact. … We made a lot of publicity for it to get people to attend. We asked a lot of questions but the decision had already been taken."

In May 2009 the Ndlambe Ratepayers' Forum submitted a list of its grievances to the Chief Financial Officer, who was acting as Municipal Manager, along with a copy of the letter sent to the Member of the Executive Council for Local Government. Finally the ratepayers found open ears. The correspondence was dealt with and answered in a professional manner. In a detailed response the Chief Financial Officer invited ratepayers to provide even more critical input: "Once we receive the comprehensive list of concerns … a meeting will

be arranged within twenty one days between management, the Mayor and representatives of the MEC Local Government to see how we, with the assistance of provincial government, can address the issues raised."

In the follow-up the Ndlambe Ratepayers' Forum listed 55 "corrective items" that were compiled by all constituent ratepayers' groups. Remarkably, the list did not limit itself to service delivery issues of the more affluent suburbs but gave prominence to those issues that affect mainly the poor: "the failure to ensure or facilitate the provision of RDP housing … the failure to acquire additional land and install the necessary infrastructure to squatter shacks … to maintain and repair sewerage systems … to tar numerous roads, especially in heavily populated poorer municipal areas."

After naming and shaming the lack of maintenance and failing infrastructure throughout the municipality, the NRF also denounced "the largely inefficient functioning of the Ward Committees." The forum pointed out that the deficiency "affects the disadvantaged most, in that their grievances are not clearly and efficiently channelled through to Council for attention and action."

Ratepayers' advocacy for improved service delivery in disadvantaged communities should not be seen as a merely rhetorical exercise. In June 2009, NRF launched a campaign to raise R100 000 to finance a high court application aimed at forcing Ndlambe Municipality to fix sewage leaks in the local Nelson Mandela Township. Shack owners were puzzled by the visit of PARRA and NRF members: "It is the first time

white people have come here to help us… it has never happened before," said one resident.

Hard-hitting letters, press coverage and the threat to compel municipal officials to pay for a court application – did the campaign have an impact? Maybelle Botha is convinced it did: "There was one situation where the sewage was flowing past one lady's doorsteps. When we came back this had been repaired, it was no longer leaking like that. She said she told the municipality many times to fix the problem. When we brought it to everybody's attention it got fixed up."

Maybelle Botha said she had noticed other signs of improvement: "A lot of documents have become available on the website: the budget, the audited financial statements." She attributed the positive changes to the new municipal management, which took over in mid-2009. "I have seen things happening in the town in the last two months that haven't happened before. Roads have been repaired. I have seen machines in this town that I have never seen before. The sewage works have been fenced. … The man is trying to catch up on a huge backlog."

Ndlambe also started to implement legal provisions for participatory governance. In September 2009, the municipality finally set up an IDP stakeholder forum. PARRA was invited to join, along with ward committee members and many other civil society organisations. The forum started with a capacity assessment and the promise that members would be trained in all matters of local governance. Despite the prospect of a long, drawn out process, Victoria Petersen seemed excited

about this development: "In the past we sent in our comments whenever possible – but none of us are experts. … This process is far better. If you are part of the discussion you can report to your group and say 'this is the discussion in the IDP forum' and ask 'any comments for me to take back?'"

Local activist Gordon Jawuka and Tim Cockbain and Doug Walters of the Ndlambe Ratepayers' Forum look on as raw sewage flows into the Kowie River from a blocked manhole in Port Alfred's Nelson Mandela Township.

At the time of the interview in October 2009 other ratepayers were advocating for a more militant stance and threatened to withhold rates in order to force the municipality to fix the dysfunctional sewerage system and other key infrastructure. Botha however said this was not the way to go: "You can't expect five years of neglect to be fixed up in 24 hours. … If the municipality decides to sue me or any member of the public for not paying rates, I have to pay them and legal fees as well. … Furthermore, how can the municipality do its work if it doesn't get the cash flow of the rates coming in?"

Participants of the Eastern Cape NGO Coalition's Civil Society Support Programme and volunteers campaign for better sanitation in Duncan Village in front of East London's town hall.

DEVELOPING CAPACITY FOR PARTICIPATION

Empowered to think out of the box

Civil society networks in the Eastern Cape and Mpumalanga have led programmes to support the active involvement of their member organisations in municipal development processes since 2007. With support from German Development Cooperation, three organisations – the Eastern Cape NGO Coalition (ECNGOC), the Mpumalanga Civil Society Forum (MCSF) and EISA (Electoral Institute of Southern Africa) – provided training for about a hundred individuals from 60 affiliated organisations.

The Civil Society Support Programme for Participation in Local Governance (CSSP) acknowledged that training does not of itself increase capacity unless the knowledge is directly applied. Thus, participants were encouraged to form local working groups around common interests and to engage their municipalities collectively.

Initial one-week training sessions in 2007 provided general knowledge on municipal structures and systems as well as on the right to community participation. Later, capacity building was offered on demand and covered advocacy tools, local economic development (LED), water and sanitation, and IDP and budget analysis. Evaluations of working groups formed in different districts demonstrated that between 85 and 94 percent

of participants significantly increased their knowledge of local governance. The biggest benefit however, appeared to be the increase in confidence as a result of group work, role-playing and learning exchange.

Xolani Mbane of Khululeka Community Media, who was nominated to one of the CSSP Local Governance Task Teams, said: "Being involved with ECNGOC motivated me to raise issues without fear of anybody. I am not afraid that I come from a particular party. I was empowered to think out of the box, to be more involved. On a daily basis, I always want to learn something new." Some participants had already done a lot of advocacy before they joined the programme; others needed encouragement and practice to be able to speak out to government.

Working groups were accompanied by experienced mentors and carried out numerous advocacy activities. Some focussed on LED and youth development, others on HIV/AIDS, housing, or water and sanitation. NGOs based in East London did action research and exposed the appalling sanitation conditions in Duncan Village (East London's biggest inner-city slum), followed by symbolic clean-up operations, a press campaign and petitions. Organisations from Grahamstown developed and distributed bilingual brochures explaining the laws about people's right to adequate housing in everyday language. In Bathurst the media was mobilised to expose the horrendous water quality in the township. Theatre groups from Ehlanzeni district in Mpumalanga used their art to raise awareness about the right to public participation.

The methodology for the support programme was developed by the Eastern Cape NGO Coalition, DED (German Development Service), GTZ (German Technical Cooperation) and EISA. Local NGOs, Afesis-Corplan, Calusa and Masifunde, were invited to come up with tailor-made training programmes for three Eastern Cape districts. Meanwhile EISA trained local mentors based at Phapamani Home Based Care and the Nkomazi Advice Office, who led the programme in Mpumalanga. Participants, mentors and networks from both provinces met on several occasions to share experiences and monitor progress.

In both provinces efforts to provide input to development planning and hold government to account came up against a culture of secretiveness (see 'Use it or lose it' page 39. Participants learned which legislation can be invoked when requesting information. Some discovered that the reason certain policy documents had not been made publicly available was because they had actually never been developed or they had been copied from somewhere else. The constant demand for information put pressure on municipalities to develop rational plans for resource allocation.

While many of the participants represented civil society on

Cecil Mohlala from Nkomazi Advice Office puts pen to paper while CSSP participants from Mpumalanga and the Eastern Cape share experiences.

IDP stakeholder forums and public hearings, too often such engagement was found to be fruitless. The Municipal Systems Act stipulates that municipalities must allow for the local community to participate in the drafting of the integrated development plan. As mentioned in other reports (see 'Civil society ignored' page 15 and 'Integrated development planning in Sakhisizwe' page 17) participants found that in most cases civil society is invited

with the prevailing forms of 'public participation'. In Mpumalanga's Nkomazi and Mbombela municipalities a municipal scorecard was used to systematically collect information on service delivery and governance. Data collection served as a preparation for engagement with government officials and allowed NGOs to present their own monitoring of performance indicators. In Mbombela these efforts bore fruit when the municipality

Key officials are deployed; the same goes for the coordinator of the Local Aids Council. Even ward committee members are recruited from party ranks. In this context it is very difficult to raise different opinions, even more so if you have an organisation to run. NGOs, which depend on government funding, are very vulnerable. If you challenge certain decisions, you will simply not be invited when the next call for proposals goes out."

CSSP participants clean public toilets to put pressure on Buffalo City Municipality to install and maintain proper facilities for shack dwellers.

only when all processes have been completed and the IDP is already bound to be adopted.

Hence, working groups became proactive and embarked on various strategies that would allow them to set the agenda instead of simply rubberstamping a fait accompli. NGOs from Amathole organised a dialogue session with councillors and officials to voice their discontent

pledged to cooperate with the organisations participating in the civil society support programme.

However, according to Sipho Fakude, the CSSP mentor based in Nelspruit, one-party dominance and disregard for democratic principles severely curtail the opportunities for public participation: "Councillors are nominated by the party, not by their own constituency.

Meanwhile, those who raised awareness of the plight of Duncan Village had to learn that municipal officials would only consider their input once they managed to get political buy-in. Xolani Mbane explained: "When we met with the officials of Buffalo City Municipality they advised us to write to the office of the Speaker. They explained that they could only work with us once they had been given the go-ahead from

the politicians." At a time of infighting within ANC-led councils and constant changes of guard, the CSSP working groups often struggled to find a toe-hold for their agenda.

Overall the Civil Society Support Programme expanded participants' understanding of governance and gave them scope to test advocacy strategies. The issues raised were diverse, since it was left to local NGOs to define priorities based on the

of their organisations. In the annual evaluations, members stressed that the programme had not only increased their self-confidence to hold governmental institutions responsible but also strongly improved networking with other organisations and access to information.

Reggie Waldick of Masifunde, who served as the CSSP mentor for Ndlambe and Makana municipalities, managed to

put sufficient pressure on the authorities this might change."

The work begun by CSSP is far from over according to Xolani Mbane: "After our campaign I was told that R750,000 was budgeted for the upgrading of toilets in Duncan Village. So I said: Let's go back there. Let's take pictures before and after the upgrading process. I want somebody to account: How do they involve the people? What about this unfinished painting?

Members of the Mpumalanga Performing Arts Laboratory rehearse a play on public participation.

needs of their constituencies. This was not easy because the working groups themselves were mixed, including seasoned development workers, paralegals, youth activists and volunteers. Some dropped out, either because they had left their organisation or because they had joined the programme with different expectations. Those who stayed, however, saw it as a space for learning and a means to add value to the work

create a lot of synergy between the programme and the Rural People's Movement (RPM), which was formed by small farmers and landless people in this area. "RPM encourages the communities to take part in IDP and budget processes to make sure that their issues are included. However, for problems to be solved this is not enough. The IDP mentions a long list of projects that remain there for years. Only if you

How much have you paid to the contractors who were responsible? To me that would be holding the municipality accountable."

Issue-based and donor-funded NGOs and community-based organisations need to work hand in hand if civil society wants to have a say in government policies and be in a position to monitor their implementation.

NGOs are change agents
(and that shouldn't only be a slogan)

Interview with Xolani Mbane, Khululeka Community Media, member of Amathole CSSP Task Team, East London, 16 November 2009.

Gerhard Kienast: During the last years you have attended many IDP review meetings. How did you experience community and stakeholder participation at that level?

Xolani Mbane: The first challenge is that you only get the documents when you arrive at the meeting. The meeting starts at 9 o'clock, by 1 o'clock it is expected to finish. We are supposed to be part of the preparations of the IDP. Yet, we are only invited when all processes have been gone through and the IDP is ready for approval. Hence, we are not able to identify challenges during the planning phase.

The other challenge that I identified: As stakeholders we don't create space for us to consolidate our understanding. If we attend the IDP Representative's Forum, for instance, as civil society we should come together to analyse that session. Was it worthwhile to be there? How do we engage with those issues that were not clear? If we continue to go there individually surely we won't have an impact, our voice won't be heard.

GK: The Civil Society Support Programme has tried to remedy this situation. In late 2009 various civil society organisations came together to analyse the IDPs of their municipalities. Was this a worthwhile exercise?

XM: That session went well. We should have this kind of exercise continuously. You can't do that in one day. To be specific, one should ask 'what is in it for Duncan Village'. A person from Mdantsane should ask 'what is in it for Mdantsane'. The same for King Williams Town and so on. ... When we meet again, each one should be able to say 'I found a gap here and here...' so that when we plan for engagement we do it in a structured way, not haphazardly.

The housing budget is especially unclear because it comes from the provincial and national governments. Buffalo City is administering the funds, maybe identifying the contractors to build the housing but nothing more. A lot of presentations with regard to housing development were made by the municipality. But when it comes to implementation the municipality says 'this is not our competency'. They should be consistent and bring the relevant people whenever there is a community meeting. They know that the issue of housing will always be raised...

GK: What role should civil society play in order to improve living conditions in disadvantaged communities like Duncan Village?

XM: NGOs are change agents. That should not be a slogan. That should be put into practice. I have identified the gaps

Community activist Xolani Mbane in conversation with the author...

with regard to us engaging the municipality or the government, our inconsistency. ... We have the documents, which are good in black and white but we are not there to monitor the implementation of these documents. How do we lobby the officials and politicians to make sure that the mandate of the state, whether locally, provincially or nationally is fulfilled?

For example, if you look at Buffalo City: they are busy with the infighting, forgetting what their mandate is, compromising the people who vote for them. As civil society, ours is to say 'you do not do this at the expense of the community'. We cannot read the newspapers every day, read that councillors are fighting and keep quiet. As civil society we are supposed to condemn such actions.

GK: Is there a need for a donor-funded programme like the CSSP? All those trainings and working groups require funds from outside the country. You have more than 200 municipalities in the country. The question is: should foreigners take it upon themselves, one tutoring here, one mentoring there, to fund those processes?

XM: That is what we see as a gap in the IDP document: there is no budget for capacitating civil society. The government officials know that they cannot implement their programmes without civil society. We should play our role in the planning; play the advisory role; play the monitoring role; as well as capacitating the communities out there. If there was a budget for civil society to give support to the communities, these service delivery protests might not be

there because people would be aware of their rights and their responsibilities as well.

GK: The Minister of Cooperative Governance was tasked to develop a 'turn-around strategy' for local government. We do not know yet what this strategy will entail but it seems likely that it will further strengthen the role of ward committees...

Community participation should not be a top-down approach.

XM: Even if that is the case we should play a role as civil society. We don't stay in the air, we stay in the communities. We should be part of the ward committee. In our communities we should represent the people at that level. I would be pleased if we could be capacitated to take our development in our own hands. We need to link development with the politics of the day. We tend to divorce the two. That's where we are making a mistake. Development is influenced by politics anyway.

We need to link development with the politics of the day.

Community participation should not be a top-down approach as it is happening. Of course, it is now because people are not empowered, they don't know exactly what development means. Others would say development is building of schools, construction of roads and clinics, just limit it to that. They will say 'you are going to benefit from this project that we are bringing to you'. We are not supposed to narrow development to such attitudes because people have to be developed so that they can make choices on their own development.

We need to exert influence at the level of the community so that whoever we vote in, should have this understanding. As we speak, people just vote for somebody because he or she happens to be vocal in the political party even if he doesn't know what development means. Civil society should educate the community: when we elect people, they should have the know how and the skills upfront.

... and speaking out at Buffalo City's 2010 IDP Hearings.

Demands on the table – urban development for poor people

South Africa is facing a national housing crisis, with an estimated backlog of four-hundred-thousand units in Cape Town alone. In spite of government's housing programmes, the extent of population growth and rural-to-urban migration means that the shortage is growing, with more and more people living in shacks or squeezed into backyard dwellings.

However, the crisis is not only about delivery it is also about absence of participation. Those lucky enough to benefit from official housing programmes usually do not have a say in choosing the site of their future homes, let alone in the design, or in choosing their neighbours. Like in times of apartheid, housing for the poor is built far away from city centres, separating 'beneficiaries' from their jobs and social networks.

This is the backdrop against which the Cape Town-based NGO Development Action

Zodwa Butu, a backyarder from Gugulethu delivering a speech before handing over a memorandum to the Western Cape MEC of Local Government and Housing.

Group (DAG) has developed its Community Leadership Programme (CLP). For the past five years, DAG undertook to build the capacity of civil society activists. Its objective is "to develop an active and well-informed citizenry to influence urban policy and practice so that poor and marginalized communities are able to access well located and serviced land." Although the Community Leadership Programme has been modified over time, it retained its main content and format. Over six weekend seminars (from Friday till Sunday evening) participants set out to develop the skills they needed to facilitate the effective functioning of help to community organisations. This included improving their understanding of the concepts of leadership, development, conflict, gender, democracy and advocacy.

Each year a new cohort of community leaders has been trained, sometimes drawing leaders from organisations that DAG has been working with for years, but always involving different individuals. Programme manager Ardiel Soeker explained: "It would be a luxury for us to invest in the same people all over." The selection criteria have gradually been refined. "First it was 'anyone can come' … Later we would require that each participant was leading some process within his or her community. You need to say what you are busy with within your community, bring it to the

leadership training and then you work with what your actual reality is," added Soeker.

Previous participants included domestic workers who are forced to live at their employers' homes or share tiny rooms with their children. With the help of DAG they organised savings projects and housing co-operatives to fulfil their dream of decent housing close to work. Other organisations that took part in the programme are the Ndabeni Communal Property Trust, beneficiary of the second largest restitution settlement in Cape Town after District Six; development associations from Freedom Park and Hangberg, driving forces behind the up-grading of their informal settlements; as well as community-based organisations from Delft and Manenberg.

Participation depends on the signing of a 'contract' between DAG, the participants and their organisations. The expectation is that leaders feed back the learning to their organisations at least once every month. The Community Leadership Programme incorporates Horizontal Learning Platforms that enable community leaders (including former course participants) to share their experiences and learn from each other. In 2008, each participant developed a case study about their organisation using the themes of the Leadership Programme as a guide. Case studies were presented at a Horizontal

Learning Platforms session and issued in a publication titled 'Lessons in Leadership'.

Communication seems to be the area where participants gained the most: Zoliswa Gila, chairperson of the Lucky Ngqandana Savings Group from Milnerton recalled: "That training has changed me a lot, before if someone gave me @!#$%, I gave them @!#$% back. Now I know that as a leader, you need to be flexible, you need to know how to change the behaviour of people, without forcing them, you must know how to facilitate change." Mpumelelo Kota of Philippi East Community Organisation learned another lesson: "Firstly, to be a good communicator you need to report back. You should always keep the community updated. You should deliver the news as it is, not what you want it to be or sound like."

Learning to deal with politicians who don't listen to 'the people's side of the story' is key. Aloma Mathews from the CBO 'Hanover Park Our Pride' had to overcome many such frustrations: "They want to determine the programmes that need to run, but it is never what the community really needs ... So we don't buy into it. Then we put our demands on the table, just like the government does."

Another former participant, Lesar Rule of the Freedom Park Development Association, described how the training boosted her confidence: "Initially we didn't know how to stand up for ourselves in our meetings with the City of Cape Town. They were mostly men and had all the power. Can you imagine ten poor women walking into their offices? They made the rules and we women wanted to break their rules, but we didn't have the proper education and didn't know how. If they said 'no', we accepted it, but after attending all these workshops with the DAG, we grew strong and learnt how to become partners with the municipality. We taught them how to work with the poor, and they taught us how to work with the government."

Obviously, the NGO tries to build bridges between community groups and government without compromising the interests of the poor. Lufuno Muthambi, one of DAG's development facilitators, was confident: "After our community mobilisation they know which steps to follow if they want to engage with the city or with their councillor, which forums are at their disposal where they can raise their concerns ... Marching and protest are not the only solution but there are other ways like building a relationship with the people that you want to get attention from."

DAG has created 'cross-learning' opportunities and linkages between civil society activists, academics and government

stakeholders. On the one hand officials and experts are invited to give input to formal training sessions. On the other hand, the NGO organises public seminars (dubbed 'Friends of DAG') that present an opportunity to 'deepen the debate' between community leaders and government officials. According to Ardiel Soeker, this concept has been very successful: "At first we only targeted academics and government officials but now that we broadened it we are getting much more response from officials. They say that the space enables them to hear what communities are thinking in a space where they can work with the issues, which is different from just receiving a memorandum or a demand."

More than 20 years of advocacy for marginalized communities have earned DAG a lot of respect. The NGO has managed to maintain partnerships with government institutions in spite of its frequent criticism of state development priorities. In 2009, the Western Cape Department of Local Government and Housing commissioned DAG to facilitate participation on the draft backyarder policy for the Cape Town Metropolitan Area. This tied in nicely with their Community Leadership Programme.

Instead of simply acting as a consultant, DAG trained elected representatives of backyarders from across the metro. The engagement did not stop with a series of workshops but led to the establishment of a city-wide backyarders forum, whose role is to monitor the implementation of the backyarders' recommendations (see Cape Town's backyard dwellers make their voices heard).

DAG's programme manager sees this approach as the way ahead for leadership training. "What we would have done in the past is to run a workshop on advocacy. Now we take a specific advocacy opportunity and through responding to that specific opportunity we try to build leaders' capacity to bring their issues to government's attention," Soeker said.

This targeted approach proved to have a number of advantages. "We find that this is more cost-effective and has more impact because even after a six-month training you have no guarantee that community leaders will actually be able to do this. They would still rely on us with regard to where you access that report; they would still need our support in terms of analysing it, developing comments; making sure that their name is on the list of people who are allowed to enter parliament. It is easier to learn that through actually doing it," added Soeker.

Development Action Group (DAG),
Tel: 021 448 7886,
www.dag.org.za

Group discussion during backyarder consultative workshop in Goodwood.

Cape Town's backyard dwellers make their voices heard

When people think of precarious housing it is mainly informal settlements that come to mind. The plight of backyard dwellers – who number tens of thousands in Cape Town alone – is often forgotten. Hidden behind walls and formal houses the conditions that they have to endure remain virtually invisible.

According to a survey organised by the Community Organisation Resource Centre (CORC) "[T]here are often as many as three families squeezed into a single backyard, with each family of about four members living in a shack that is no bigger than 3x6 metres ... It is common to find much larger families in those same dimensions (who) take turns sleeping through the night."

Most backyarders pay extortionate rents to their landlords. Some report rents as high as R700. On top of this, backyarders have to pay for electricity. In most cases, water and sanitation do not meet even basic standards. Nokwanda Matanda of the Langa Backyarders' Forum provides a shocking example from her community: "I know of an old lady who only gets 5 litres of water a day from her landlord. With that 5 litres she has to do the washing, cook with it. If she uses that water for something else, forget about it..." If there are toilets at all they are usually in the main house to which landlords may or may not grant access. "If they [landlords] are not there they lock their house," adds Matanda. For backyarders the 'bucket system' is still common. Asked how they dispose of the waste, Matanda says: "You must make a hole in the ground!"

For a long time, government and the City of Cape Town gave little priority to this humanitarian crisis. As they built new houses for the urban poor, the backyarders were sidelined in favour of those in the informal settlements. Backyarders tend to be native to the Western Cape and have been waiting longer than most for new housing. Najuwa Gallant, the elected representative of the Mitchells Plain Backyarders Forum says: "All our people have been on the waiting list for 20 to 30 years. Some people are dying and have never had a house in their entire life." This has caused feelings of resentment and animosity between the backyarders and other shack dwellers, but it has also motivated backyarders to get organised.

In late 2008, when the Western Cape Department of Local Government and Housing invited community input on the draft backyarder policy for the Cape Town Metropolitan Area, finally those voices started to get heard. The department commissioned the Development Action Group (DAG) to facilitate participation. The consultation process included 16 interviews with key stakeholders, four workshops with backyarders from several areas and a metro-wide workshop in March 2009 where recommendations were presented. Luckily, DAG did more than simply fulfilling its terms of reference. The NGO provided training for the elected representatives of twelve backyarders' forums from across the metro. This allowed backyarders who may otherwise never have met to come up with a joint memorandum and to form a bond that survived the turbulent period of the 2009 national elections.

Kailash Bhana, DAG's CEO, and then Housing MEC, Mr B. Madikizela, discussing the challenges and successes of PHP projects in Makhaza.

The memorandum calls for an integrated housing plan for backyard dwellers. This includes a variety of housing and tenure options, such as rental, ownership, and the upgrading of existing dwellings, and "low rise medium density housing on small pieces of vacant land in the area where backyarders are currently residing." In addition it calls for the reservation for backyarders of a fixed percentage of all new housing projects; and legislation that sets standards for minimum living conditions and makes provisions that fines can be issued to landlords.

The metro-wide workshop ended with a joint press statement by the then MEC for Local Government and Housing and the City of Cape Town. When the 2009 national elections brought a change of government in the Western Cape, there was a certain anxiety as to whether the new office bearer would follow up on the resolutions stated in the memorandum. But Nokwanda Matanda was not leaving things to chance: "Lucky enough this was done before the elections.

They all made promises but afterwards it seemed the government would forget about these things. ... But we reminded them. The city was already run by the DA [Democratic Alliance]. So when we go to them we say 'Do you still remember that you were there? You were part and parcel of that. Your signatures are there.'"

Recent statements made by the subsequent MEC Bonginkosi Madikizela seemed to indicate that this message had come across. Recognizing that the prevailing approach to housing delivery was not capable of curbing the growing backlog on 12 November 2009 he announced a gradual shift from building housing (top structures) to providing serviced sites: "Once sufficient people have access to basic services, we can then look at the option of rolling out People's Housing Process (PHP) subsidies to enable people to build their own top structures." Backyarders must have been delighted when he stated that "half of the units in a housing project must be allocated to backyarders, instead

of the 70:30 ratio that previously discriminated against them."

Nevertheless, backyard dwellers know that they have to keep up the pressure to make sure that words translate into action. In November 2009 DAG helped them establish a city-wide 'Cape Metro Backyarders Forum'. But will backyarders be able to sustain this structure? "DAG is mentoring us so that we can stand for ourselves and know how to do our own thing. ... But when the kid starts to walk the father still needs to check 'Are you still OK?' You need that advice," said forum member Matanda.

Backyarders, and poor people in general, face a big problem when trying to organise themselves at a metropolitan level. Transport costs are high. There are hardly any taxis circulating between poor neighbourhoods. All roads lead to the city centre. And as a backyarder you don't have resources. The facilities offered by DAG, allowing backyarders to meet, consult, fax and type, are a big asset for the emerging network.

Nokwanda Matanda and Najuwa Gallant are very grateful for the support they have received, but the main achievement for them is that the NGO has brought different communities together. "DAG has done a huge thing that government has never thought of: built a rainbow nation. At the end of the day, she can be my neighbour. Whatever we do now, we are fighting one battle: Government, we need houses! Give us the land; we will build the houses for ourselves! It will be a unique community, not only for black people. The kids will know, this is my brother, this is my sister, no matter what colour," says Matanda.

MEC greeting a PHP house beneficiary during a community visit to Makhaza.

Animation and living learning

"Learning rather than masterminding and dictating over the poor"

The Pietermaritzburg-based Church Land Programme (CLP) is a rare example of an NGO which had the courage to radically shift its strategy when it found that it was based on the wrong assumptions. Disillusioned by the results of its interventions for the transfer of church-owned land to communities living on it, the organisation embarked on a new mission.

Searching for a way to 'build the critical voice of the marginalised' it discarded the typical relationship between NGO workers and grassroots people. In its work with social movements like Abahlali, it has helped to create alternatives to the prevailing concepts of development and capacity building.

The Church Land Programme began its journey in 1996 as a joint project of the Association for Rural Advancement (AFRA) and the ecumenical NGO PACSA (Pietermaritzburg Agency for Christian Social Awareness). Its original objective was to make church land available to landless people and to tap into government sponsored land reform programmes. The idea was that transfer duties and tax would be waived and grants by the Department of Land Affairs (DLA) would be used for agricultural inputs. The NGO compiled inventories of lands held by all major Christian churches, helped develop their land policies, and acted as a mediator between churches, government and communities.

In retrospect, CLP director Graham Philpott is very sober about the outcomes: "It was a lovely theory but the practice was very different! In one case where a church was willing to donate land, it took 8 years to complete the transfer." He also remembers a public ceremony with a Bishop and a Director

General (DG) that ended in scandal. "It emerged that DLA got the land wrong and instead of giving it to the poor local community it was transferred to members of the elite. When the community reacted angrily, the DG called them ungrateful."

Despite success in the transfer of land, the Church Land Programme came to the conclusion that facilitation alone is not enough to protect poor families, especially women-headed households, from being sidelined. In a 2004 discussion document for the churches the NGO appealed: "The gulf between an agrarian reform that is in line with biblical moral-

ity, and government's market-oriented land reform is too big to ignore in good conscience. As we have done in the past, the Christian church in South Africa assumes a prophetic role and speaks for the interests of the poor."

The programme broadened its mandate beyond state-driven land reform. As well as focussing on church-owned land it started to deal with struggles around land in general. Philpott explains: "We are no longer focussing on technical issues but on justice. Our work is now about systems of transformation, not systems of delivery. Of course, in doing this we

Group discussion at a CLP seminar organised in response to the attacks on Abahlali BaseMjondolo that happened in September 2009.

continue to use our contacts. The church must come along. It can lend a moral voice and support justice." At the same time, the organisations became aware that merely 'speaking for the interests of the poor' was not very helpful either.

CLP reflected on its own practice and that of civil society in general. In a brochure titled 'Learning to walk' (Butler et al 2007), the organisation shared its analysis and how it changed its praxis. Drawing from an influential 2004 article on 'Civil society relationships' by Stephen Greenberg (and Nhlanhla Ndlovu, the programme argued that developmentalist ideology and practice has led to "the co-option of the majority of civil society into systems of domination and exploitation."

This is manifest in the way many civil society organisations interact with grassroots people, "so that while claiming the opposite, NGOs in fact 'teach' and impose on people, rather than supporting and assuming people's own capacities for learning, analysis and action for genuine transformation," contend Graham Philpott and colleagues. As an alternative,

CLP decided to adopt the concepts of Paulo Freire, which have become known as 'animation' or 'training for transformation' (see text box).

"We concluded that our first priority must be to strengthen the constituencies. Real transformation can only happen if those who suffer speak for themselves," says Philpott. According to *The Community Workers' Handbook* by Anne Hope and Sally Timmel (1984), "most real learning and radical change takes place when a community experiences dissatisfaction with some aspect of their present life. An animator can provide a situation in which they can stop, reflect critically upon what they are doing, identify any new information or skills that they need, get this information and training, and then plan action. ... By setting a regular cycle of reflection and action in which a group is constantly celebrating their successes, and analysing critically the causes of mistakes and failures, they become more and more capable of effectively transforming their daily life."

'Learning to walk' tells the story of how CLP started to use this methodology in meetings with church leaders and farming groups during interventions around church land or farm killing. To enable learning, the NGO adopted an activity called 'accompaniment'. The principal worker would be accompanied by a colleague whose role was to observe and raise questions in preparation for collective reflection sessions. This produced many insights, especially about the power dynamics during meetings. One of the first lessons was that the way in which CLP was introduced to the community (by the church hierarchy or a local politician) could

in itself lead to a situation where CLP's role was pre-scripted and draw the organisation into processes driven by local elites.

The organisation learned that "from the first intervention in any place, it is important to be principled, clear and consistent and, where necessary, to challenge others' presumptions" about its role; and "that the animator will *not* work where access to the people of a place is denied through the control of undemocratic leadership, and *will* work in open, democratic and participatory ways" (Butler et al 2007). Again and again, CLP experienced how important it was to listen to what people actually say, and to encourage them to tell their story. "This requires creating opportunities ... and is based on an assumption that those who suffer are intelligent, creative and resourceful."

Another crucial lesson was learnt at the workshop of an emerging network of church-based and grassroots rights activists from different rural areas. CLP encountered a "mindset – often created by the practice and patronage of NGOs – that fixates on securing external funding ... we were struck listening to language from some participants that persistently pointed to an expectation of 'salvation' by outside agents." The animators made a resolution that "it is necessary – and tough – to disabuse people of this notion so that they turn to themselves for their own liberation." When people developed action plans, they were subject to a 'rule' that these had to be completely independent of outside resources. This exercise proved to be very useful and productive. When the network was faced with another human rights violation in the area, it

Paulo Freire 1972, Pedagogy of the Oppressed, Harmondsworth: Penguin

At all stages of their liberation, the oppressed must themselves as people engage in the vocation of becoming more fully human...

To achieve this… it is necessary to trust in the oppressed and their ability to reason. Whoever lacks this trust will fail to bring about, or will abandon, dialogue, reflection and communication, and will fall into using slogans, communiqués, monologues and instructions.

While no-one liberates themselves by their own efforts alone, neither are they liberated by others.

was able to respond independently of any NGO contact person. Such experiences convinced CLP that it is indeed making progress in its efforts to 'build the critical voice of the marginalized'.

Over the last years, the organisation has worked intensively with social movements, including the Rural Network – a movement fighting for the dignity, rights and land of people living in rural KwaZulu-Natal, and the shack-dwellers movement Abahlali baseMjondolo (see article on page 9). Graham Philpott explains: "By being present in [social] movement spaces we are trying to strengthen their struggles, affirm the leadership and bring in other institutions that can provide support."

As of 2007, people in leadership positions from both Abahlali and the Rural Network began to enrol at the University of KwaZulu-Natal's Centre for Adult Education. Many have since graduated with Certificates in Education (Participatory Development). In parallel,

CLP convened monthly sessions where the activists could reflect on the connections between their daily experience, on the one hand of being militants faced with real threats of landlessness and repression, and on the other of being academic students engaging with written experience.

The framework for these sessions was kept very simple so that it would not in any way predetermine the agenda or the topics for discussion. CLP staff facilitated and took notes. Discussions created an exciting synthesis, which community leaders called 'living learning'. The main themes address the questions of 'how best to take back to our communities whatever we might gain' and 'how best can our communities benefit from the few of us who are lucky to have access to the course.' Apart from the feedback to the regular meetings of the movements it was decided to publish a booklet, which "could also be there for those 'smarter' people to learn from the fools'!"

Clearly, this was tongue in cheek. Although some community leaders entered university with a shiver, they would not let anybody undermine their self-esteem: "From what we have seen, there are many at University who think that they are there to learn what to come and 'teach the poor' when they are finished studying. It is clear that they imagine they are our educators. They assume we are empty enough and stupid enough for others to learn what *they* decide, and that they will come and think for those of us who are poor and cannot think. But now we are having our *own* living learning – and so there is a confrontation brewing about who's teaching who."

At least the Church Land Programme has no problem with being taught by shack dwellers and rural poor. Walking together has created a lot of mutual trust and esteem, and CLP appreciates Abalahli's praise for their "willingness to listen, learning rather than masterminding and dictating over the poor."

Rural Network marching against evictions in Rietvlei, KwaZulu-Natal, March 2009.

Church Land Programme,
Tel: 033 2644 386,
www.churchland.co.za

On-air - Sithandiwe Velaphi, Programme Manager of Khanya FM.

INFORMATION FOR PUBLIC PARTICIPATION

How community media can support local democracy

Co-authored by Nomawethu Sbukwana

Local democracy requires public participation. Citizens need to engage with their government, support or challenge its work, if necessary. But they can only do this from an informed standpoint. They need to know the content of a by-law if they want to challenge it. They need to know who is responsible for service delivery in their municipality and they need to understand where public money is being spent. Community media, both newspapers and radio, can assist citizens to have a better understanding of these issues and encourage debate at a local level.

In the Eastern Cape there are approximately 25 local newspapers and 18 community radio stations. Whilst community radio stations have a clear development mandate attached to their licence, local newspapers are more diverse. Print media and radio stations are produced mainly in local languages and capture local issues that might not be

considered newsworthy by the mainstream media.

Wandile Fana, editor of *Skawara Weekly*, a newspaper distributed in Cofimvaba (Intsika Yethu Municipality under the Chris Hani District), describes the role of community media as critical: "As a paper we strive to be progressive and inform the public with objectivity especially in rural areas where communities have little access to the media. When people make decisions or question issues, they should do it in a more informed manner. It is also important that the paper educates the public about issues involving their constitutional rights. The paper needs to encourage locals to attend meetings." But is community media in the Eastern Cape playing this role?

Vukani Community Radio, broadcasting in the Chris Hani District Municipality, hosts Imbadu, a weekly show where government officials are invited to discuss their programmes in isiXhosa. The programme helps people to understand the processes behind service delivery: what they should expect, whose role it is to implement certain projects and also the different roles played by provincial government and local government.

Mbongeni Sdumo who hosts Imbadu cites a case of people living without electricity in Intsika Yethu Local Municipality: "The intervention of Vukani Community Radio helped to remedy the situation. A municipal official came to listen to people's complaints and informed them about the challenges the municipality is faced with; and ultimately they got electricity." Vukani also tries to break down the Integrated Development Plan

in a manner that people can easily comprehend. People are encouraged to attend meetings and learn how to engage with the officials from a well-informed point of view. In 2010 the station was running programmes which raise awareness about the impact of vandalising the municipality's properties, which look deeply into the reasons why people embark on such acts.

Other examples of community media bridging the gap between municipalities and the community are:

Khanya Community Radio, broadcasting from Butterworth in the Mnquma Local Municipality, Amathole District, has an open line for people to call in about issues they have with their municipality, and it hosts shows with municipal officials four times a week.

Ikhwezi News played a critical role in the Alfred Nzo District

demarcation debate by publishing an article that informed people about their rights, the advantages and disadvantages of their incorporation into either KwaZulu-Natal or Eastern Cape. This led to a lot of responses from all spheres and sparked public debate.

Ikamva Lase Gcuwa, a publication that is distributed in Butterworth and surrounding areas, also intervened in the public interest. When Mnquma Local Municipality had plans to close down a local dumping site, they engaged with the municipality until it was decided to keep the site open.

While these are encouraging examples, the sector still faces some crucial challenges. One such challenge is the attitude of government towards media and media independence. Community media is meant to educate people about their rights and what they should expect from government in terms of service delivery. In order to do that

Anele Mboza, Editor and Sivuyile Mbatha, Advertising Sales Rep of Ikamva Lase Gcuwa proudly displaying their latest edition.

efficiently they need to access information from government. This often becomes a challenge because government officials feel intimidated by the media as Wandile Fana has experienced: "They see the media as poking their noses into other people's business such that tension arises between these parties." Hence, many government departments do not use the media to their advantage.

Lungile Lugongolo, editor of *Ikhwezi News*, distributed in the Alfred Nzo District Municipality, elaborates on the independence of community media in the light of it being largely supported by local government: "The major problem is that we source most of our adverts from these institutions and as such local government officials tend to hold us at ransom. It becomes difficult to bite the hand that feeds you." However, Wandile Fana is confident that community media can defend its independence: "We are apolitical. Everyone is equal.

We strive for objectivity. Our goal is to fight injustice, corruption, ignorance, trying to be informative and entertaining at the same time, to make sure we are not on somebody's payroll and we are not intimidated by anyone's status."

Nevertheless, there is no doubt that community media is facing challenges when engaging with municipal officials. According to Mbongeni Sdumo, a municipal journalist at Vukani Community Radio, "[M]unicipal officials tend to cancel appointments at short notice, thereby jeopardising the station's credibility." Sthandiwe Velaphi of Khanya Community Radio found that municipal officials are often not honest when they come on air: "They circumvent critical questions and use the platform to promote their municipality instead of informing people about the challenges faced by their municipality with regards to service delivery."

Another major challenge is that community media often need to survive on shoestring budgets and struggle for financial sustainability which affects the quality of reporting. That is why, in 2006, community media in the Eastern Cape organised itself and started the Eastern Cape Communication Forum (ECCF). This forum, which works in partnership with Walter Sisulu University, aims to improve communication between independent community media, local government and civil society organisations. The main focus of its work is to strengthen and professionalise independent community media. The ECCF has already assisted numerous community media initiatives. Yet, more still needs to be done in coaching journalists to report and write in a manner that encourages community participation. And also to ensure that journalists have sufficient knowledge about local government systems so that they can report in a non-partisan, truthful manner.

Khanya FM in Butterworth - community radio stations should be accessible to the communities it serves.

Use it or lose it – the right to know is worth a fight

One of the biggest obstacles for public participation and community oversight is lack of access to official information.

For Peter Kimemia, programme manager of Afesis-Corplan, this was nothing new: "Many municipalities withhold information. Some do it deliberately, others have internal challenges around how to disseminate information. It becomes worse when you look for documents dealing with financial expenditure. If they have something to hide they will try to ensure that you don't access that information."

Afesis-Corplan carried out 'Good Governance Surveys', which explored internal and external perceptions of municipalities with a view to improving communication and governance practice. But even doing research with the blessing of district municipalities, Kimemia was denied access to basic documents like the IDP, which are supposed to be in the public domain.

The widespread secrecy of government officials is in stark contrast to the South African Constitution, which guarantees the right to access any information held by the state, and any other information necessary for the protection of one's rights. Secrecy provides a smokescreen for the 'culture of patronage and nepotism' that the Department of Cooperative Governance and Traditional Affairs (CoGTA) identified in its 'State of Local Government' report. But CoGTA's view was also that: "the media and civil society have been ineffective in increasing municipal accountability and oversight."

Anyone who wants to get access

to public records can make a request in terms of the Promotion of Access to Information Act (PAIA). But there are not enough champions of the right to know. Almost ten years after the enactment of PAIA only a fraction of South Africans were familiar with the legislation. Even many civil society organisations were not aware of it and very few used it to hold government to account.

Derek Luyt of the Public Service Accountability Monitor (PSAM) says in most cases it is sufficient to draw official's attention to their legal obligations. However, if information is refused or the request is simply ignored, he said CSOs should not rest their case: "You have to be prepared to go to court. If you are not, there is very little incentive for an official to give you information." The Open Democracy Advice Centre takes a similar stance: "This attitude to information will not change with education and awareness raising alone. It is necessary to enforce the provisions of PAIA, so as to ensure compliance with it." Public access to information is the life-blood of any meaningful democratic participation. Sometimes one needs to fight for one's rights.

Open Democracy Advice Centre – champions of the right to know

Before the Promotion of Access to Information Act was enacted in 2001 it was the subject of a lengthy campaign by social justice groups, which united NGOs like the Institute for Democracy in South Africa

(IDASA), the Legal Resource Centre (LRC) and Black Sash with the South African Council of Churches and Cosatu. The campaign also gave birth to the Open Democracy Advice Centre (ODAC), a Cape Town-based non-profit organisation, which seeks to "promote open and transparent democracy; foster a culture of corporate and government accountability; and assist people in South Africa to be able to realize their human rights." The Open Democracy Advice Centre gives advice, provides training and raises awareness about the right to know, and the right to speak out in the workplace in terms of the Protected Disclosures Act (PDA).

Fieldwork done by the Open Democracy Advice Centre reflects

Derek Luyt of PSAM conducting a workshop on Investigating and Reporting Service Delivery for community media journalists.

people's struggle to get access to even the simplest documents from local, provincial and national government. The absence of clear housing allocation policies has been found to be one of the biggest problems. Since 2006, ODAC helped communities in Ethekwini, Port Elizabeth and Cape Town to establish how individuals and communities are prioritised in housing delivery. All over the place the result has been "that municipalities either concede that there is no list, or alternatively give us a list that the community do not agree with." Only once the nature of a development is decided, does the question of who to place in that development arise. According to a Cape Times article by Alison Tilley, ODAC's chief executive officer, "the lack of transparency around who is chosen and why, is a cause of a great deal of conflict on this issue. This conflict plays into racial tensions and xenophobia." Thus, the Advice Centre holds the view that many protests apparently related to service delivery, are in fact related to a lack of information about service delivery.

In order to improve this situation, ODAC offers policy advice and training to 'holders of information', and employers. However, according to the 2007 annual report, "local government training has proved quite difficult to get off the ground … a number of municipalities … did not take up our offer for training." At least in the Western Cape, ODAC achieved a breakthrough. In December 2009 it signed an agreement of co-operation with the Province and the Municipality of Cape Town, both of which committed "to promote public access to information held by these spheres of government,

as well as a greater level of transparency in official affairs."

Another key strategy to support the right to know is litigation. In 2009, ODAC celebrated a major victory when the Constitutional Court ruled in favour of journalist Stefaans Brummer, who had requested records pertaining to a government tender from the Department of Social Development. When neither his request, nor his appeal to the Minister was successful Brummer challenged these decisions in court, but this was months after the fact and according to section 78 (2) of PAIA he should have made his application within 30 days. The Constitutional Court has since confirmed that this section of PAIA is unconstitutional, saying that the 30-day limit does not give the requester adequate time to approach a court.
Tilley was "extremely pleased with this decision. A major bar to accessing records in terms of the Act has been removed by the court." However she added: "We are disappointed that this matter had to go to litigation – it is an expensive, time consuming remedy, and not open to most of the public in South Africa."

Centre for Social Accountability – between confrontation and cooperation

Another champion of the right to know is the Centre for Social Accountability (CSA), an independent institute based at Rhodes University, which incorporates the Public Service Accountability Monitor. While CSA has successfully used the law to force politicians and officials to make information available to the public, litigation is just one of its several advocacy strategies. The organisation is committed to "the institutional-

isation of the right to social accountability, and the realisation of social and economic rights through the effective management of public resources."

Social accountability is defined as "the right to obtain justifications and explanations for the use of public goods and resources from … government officials or private service providers." Since 1999, PSAM's monitoring and research has focussed on the major service delivery departments of the Eastern Cape government: Education, Health, Housing and Social Development, which consume nearly 80 percent of its budget.

PSAM produces annual budget analyses, strategic plan evaluations, as well as various reports and case studies concerning expenditure management, performance management, public integrity and oversight. Faced with one of the worst-performing provincial governments in South Africa, for some years its approach tended to be confrontational. The organisation relied heavily on using the media to expose the systemic problems of the Eastern Cape administration. More recently however, CSA and 'PSAM's strategies for strengthening social accountability have evolved well beyond being a 'watchdog'.

Luyt, who is head of Media and Advocacy at PSAM, argues: "in the current South African context, it is necessary to ally evidence-based social accountability monitoring with mass-based demands for improved service delivery." One example of this is the CSA's Health Service Delivery Review which is being conducted in conjunction with Cosatu and the Treatment Action Campaign. On the other hand, PSAM has managed to enter into cooperative relations

Afesis-Corplan,
Tel: 043 743 3830,
www.afesis.org.za

Open Democracy Advice Centre,
Tel: 021 461 3096,
www.opendemocracy.org.za

Centre for Social Accountability,
Tel: 046 603 8358,
www.icount.org.za

with government departments, which increasingly seek the organisation's comment on their strategic plans.

The emerging partnership with the provincial government is even more remarkable because it was built at a time when CSA was waging and then won court applications to get access to high profile government information. In February 2008 the Grahamstown High Court ordered the Department of Housing to release documents relating to steps against government officials implicated in housing subsidy fraud. In June 2008, the same court ordered Premier Balindlela to release comprehensive research into residents' perceptions of government's performance and service delivery in the province.

Both cases had important ramifications. In the Department of Education alone, the exposure of officials implicated in housing fraud led to 200 disciplinary hearings. Since the full research report into the state of service delivery in the Eastern Cape was published, its findings have informed a complaint lodged with the South African Human Rights Commission. Government had justified the delay of the release on the grounds that it could be sensationalised by the media and "subjected to inflammatory public responses." In her ruling, Judge Revelas clearly dismissed such arguments: "information should only be withheld in exceptional circumstances ... Service delivery is in the interests of everybody. No grounds were advanced as to why an apprehension of media mischief was justified or so serious as to warrant non-disclosure of the information which, by its nature, belongs in the public domain."

The right to know in a nutshell

Section 32 of the South African Constitution states that "everyone has the right of access to any information held by the state; and any information that is held by another person and that is required for the exercise or protection of any rights."

The Promotion of Access to Information Act 2 of 2000 (PAIA) aims to give effect to these rights, but also sets out limitations on the right of access to information that are designed to protect people's privacy and confidential commercial information and to ensure "effective, efficient and good governance."

Legislation concerning access to information from local government

Local government is obliged by legislation to provide access to information.

For instance, according to the Municipal Systems Act of 2000 (MSA):

"Members of the local community have the right ... to be informed of decisions ... affecting their rights, property and reasonable expectations; to regular disclosure of the state of affairs of the municipality, including its finances" (MSA section 5).

"Meetings of a municipal council and those of its committees are open to the public, including the media." MSA allows for exceptions but the public cannot be excluded when drafts of a by-law, the budget, integrated development plan, performance management system or service delivery agreements are tabled (MSA section 20).

"The municipality must adopt its annual report [including a performance report, the financial statements, audit report and the report of the Auditor-General], and within 14 days make copies of the report accessible to the public, interested organisations and the media, free of charge or at a reasonable price" (MSA section 46).

Other legislation also enables access to information from local government. Section 21 (3) of the Public Audit Act of 2004 requires that audit reports must be tabled in the relevant legislature within reasonable time. According to the Municipal Finance Management Act of 2003 (MFMA), the meetings of a municipal council at which an annual report is to be discussed must be open to the public (MFMA section 130 (1)).

In brief, key documents regarding the planning and resource allocation, expenditure and performance management of municipalities must be made available to the public. Access to this information should not require a request in terms of PAIA. Nevertheless, such a request can be made if such documents are not made available automatically.

General provisions of the Promotion of Access to Information Act

The Promotion of Access to Information Act (PAIA) applies to both 'public bodies' (like government departments or municipalities) and 'private

bodies' (companies or persons who run a business). If a company performs public functions, like providing water and sanitation to a community, some of its records will be treated as those of a public body and some as those of a private body. Many provisions of the Act as they relate to public and private bodies are similar, but there are also important differences. For example, only information that is required for the exercise and protection of a human right may be requested from private bodies. No condition applies for obtaining information from public bodies.

PAIA provisions relating to public bodies

Anyone can ask for records from public bodies, and a person can also act on behalf of someone else in asking for records (section 1). If a person asks for the record in the right way, and the officials are not able to rely on one of the reasons set out in PAIA for refusing access, then he or she must be given the record, including if that record contains personal information about that person (11).

A special application form has to be used when making the request. The form must be sent to the Information Officer (the most senior official of the public body). It can be sent by post,

Civil society's requests for information discovered that many municipalities lack proper criteria for housing allocation.

fax or e-mail. A person making the request must give enough detail in the form so that the official knows what record the requester wants and who he or she is (18). (Request forms can be downloaded from http://www.saha/publications/paia_resource_kit.htm)

The public body can charge a request fee, currently set at R35. This must be paid before the request will be processed. If the request is granted, the public body can also charge an access fee. This fee relates to how long it will take to find the records and the cost of reproducing the record. The first hour of searching is free. After that the maximum allowable charge is R15 for an hour of search time, sixty cents for every page or R40 for a copy on CD (22).

The Information Officer has only 30 days in which to decide whether or not to grant a request. He/she can get an extension for another 30 days but only if the request is for a large number of records, requires a long search or consultation in order to decide on the request (26). If the request for the record is refused, the Information Officer needs to give reasons for the refusal. The officer must also explain what section of PAIA the refusal relies upon, and how the requester can appeal the refusal (25). If the public body

does not give a decision in time, it will be regarded as having refused the request for information (27) and the requester may lodge an internal appeal.

There are some instances in which PAIA allows a request for information to be refused: if the requester asks for information that would disclose personal (34) or commercial (36) information about a third party; if disclosing information would breach the duty of confidentiality towards a third party (37); if disclosing it could threaten the life, physical safety or property of other people (38). A request may also be refused to protect information related to the following: collection of taxes (35); law enforcement and legal proceedings (39 and 40); the defence, security and international relations of the Republic (41); the economic interest and financial welfare of the Republic (42); research information (43); and the operations of public bodies (44). However, none of these reasons applies if the information requested would reveal a serious violation of the law, a threat to public safety or the environment, and if the public interest in disclosure of the information outweighs the harm contemplated by its release (46).

If an Information Officer of a public body refuses a request for a record, then the requester can lodge an internal appeal against that decision (74) with the relevant executive authority. There is a prescribed form which must be filled in and sent to the Information Officer within 60 days (75).

Only if the appeal was unsuccessful can the requester take the matter to court. He/she can also challenge decisions regarding fees, extensions and forms of access (78).

Further reading on Public Participation

Atkinson, D. 2007. 'Taking to the streets: Has developmental local government failed in South Africa?' In: S. Buhlungu, J. Daniel, R. Southall and J. Lutchman (eds), *State of the Nation: South Africa 2007,* Cape Town: HSRC Press.

Ballard, R. 2008. 'Participation, democracy and social movements'. *Critical Dialogue, 4(1), 17-21.*

Buccus, I. Hemson, D. Hicks, J. and Piper, L. 2007. *Public Participation and Local Governance. Durban: Centre for Public Participation.*

Butler, M. et al 2007. *Learning to Walk – NGO Practice and the Possibility of Freedom.* Occasional Paper No.3, Pietermaritzburg: Church Land Programme.

COGTA. 2009a. *State of Local Government in South Africa,* Pretoria: COGTA.

COGTA. 2009b. *Local Government Turnaround Strategy,* Pretoria: COGTA.

Davids, I. 2005. *Voices from Below; Reflecting on Ten Years of Public Participation: The Case of Local Government in Western Cape Province.* Cape Town: Foundation for Contemporary Research.

Friedman S. and McKaiser E. 2009. *Civil society and the post-Polokwane South African state: assessing civil society's prospects of improved policy engagement.* Johannesburg: Centre for the Study of Democracy.

Good Governance Learning Network. 2008. *Local Democracy in Action.* Cape Town: GGLN.

Good Governance Learning Network. 2010. *Ethical Leadership and Political Culture in Local Government.* Cape Town: GGLN.

Greenberg, S. and Ndlovu, N. 2004. 'Civil society relationships', *Development Update,* Vol 5, No. 2.

Heller, P. 2001. 'Moving the State: The Politics of Democratic Decentralisation in Kerala, South Africa and Porto Alegre', *Politics and Society,* 29(1), pp. 131-163.

Kelvin, B. Piper, L. and Parker B., 2005. 'Assessing "participatory governance" in local government: A case-study of two South African cities'. *Politeia,* 23(3), pp. 370-393.

Ntsebeza, L. 2006. *Democracy Compromised: Chiefs and the Politics of Land in South Africa.* (African Edition) HSRC Press, Cape Town.

Piper, L. and Deacon, R. 2009. 'Too Dependent to Participate: Ward Committees and Local Democratisation in South Africa'. *Local Government Studies,* 35(4), August, 415-433.

Pithouse, R. 2006. 'Rethinking public participation from below', *Critical Dialogue,* 2(1), pp. 24-30.

Sinwell, L. 2010. 'The Alexandra Development Forum (ADF): The Tyranny of Invited Participatory Spaces?' Forthcoming in *Transformation: Critical Perspectives on Southern Africa.*

Smith, T. and Visser, J. 2009. *Are ward committees working? – Insights from six case studies,* Cape Town: Community Law Centre (University of the Western Cape).

Staniland, Luke. 2008. ' "They know me, I will not get any job": public participation, patronage, and the sedation of civil society in a Capetonian township'. *Transformation, 66/67, pp. 34-60.*

Manuals

Davids, Ismail (Editor). 2006. *Learning about local government.* Cape Town: Foundation for Contemporary Research. www.fcr.org.za/publications

DPLG. 2001. *IDP Guide Pack,* Pretoria: DPLG. www.capegateway.gov.za

DPLG and GTZ South Africa. 2005. *Having your Say – A handbook for Ward Committees,* Pretoria: DPLG.

DPLG and GTZ South Africa. 2005. *Ward Committee Resource Book,* Pretoria: DPLG. http://afesis.org.za/Local-Governance-Reports/ward-committee-resource-book-and-handbook

Geyer, Yvette. 2006-2007. *Handbook series for community-based organisations.* Titles in the series: *Advocacy and Communication; How local government works; and Integrated Development Planning,* Pretoria: IDASA, available on www.idasa.org.za

Hope, Anne and Sally Timmel. 1984/1995. *Training for Transformation: A Handbook for Community Workers.* Kleinmond: Training for Transformation Institute. (First published by Mambo Press in Gweru, Zimbabwe in 1984. Revised in 1995.)

South African Local Government Association and GTZ South Africa. 2006. *Handbook for Municipal Councillors,* Tshwane: SALGA.

Wates, Nick. 2000. *The Community Planning Handbook: How people can shape their cities, towns & villages in any part of the world.* London: Earthscan, www.earthscan.co.uk

International resources for public participation

www2.ids.ac.uk/logolink/index.htm
LogoLink is a Learning Initiative on Citizen Participation and Local Governance of a global network of practitioners from civil society organisations, research institutions and governments.

http://www.eldis.org/go/topics/resource-guides/participation
Eldis aims to share the best in development, policy, practice and research. Eldis is one of a family of knowledge services from the Institute of Development Studies, Sussex.

www.communityplanning.net
This website provides easily accessible how-to-do-it best practice information of international scope and relevance to people wishing to engage in community planning.

www.peopleandparticipation.net
The site provides information, advice, case studies and opportunities to share experiences on participation.

www.drc-citizenship.org
The Development Research Centre on Citizenship, Participation and Accountability (Citizenship DRC) is an international network of researchers and activists exploring new forms of rights based citizenship.

www.participatorybudgeting.org
The Participatory Budgeting Project is a non-profit organisation that supports participatory budgeting in North America and hosts an international resource site.

www.participatorybudgeting.org.uk/about
Resource site of the Participatory Budgeting Unit, Church action on Poverty United Kingdom.

www.internationalbudget.org
The International Budget Partnership collaborates with civil society around the world to analyze and influence public budgets in order to reduce poverty and improve the quality of governance.

www.unhabitat.org/categories.asp?catid=634
The World Urban Campaign is a platform for public, private and civil society actors to elevate policies and share practical tools for sustainable urbanization.

South African resources for public participation

www.ggln.org.za
The Good Governance Learning Network (GGLN) is a network of South African non-governmental organisations that aims to promote participatory, effective, accountable and pro-poor local governance.

www.sadelivery.co.za
Deliver – 'the magazine for local government' – produces a free digital edition of the magazine and hosts a valuable resource centre.

www.sacsis.org.za
The South African Civil Society Information Service (SACSIS) is a non-profit news agency promoting social justice.

www.ngopulse.org
SANGONeT serves civil society with a wide range of information and communications technology (ICT) products and services. NGO Pulse is SANGONeT's NGO and development information portal.

The **German Development Service (DED)** is one of the leading European development services for personnel secondment. It was founded in 1963 and is funded by the Federal Republic of Germany. Since then, more than 15 000 technical advisors have committed themselves to improve the living conditions of people in Africa, Asia and Latin America. Almost 1200 technical advisors are currently working in 47 countries. Their aims are to fight poverty, to promote self-determined and sustainable development and to preserve natural resources.

DED has been active in South Africa since 1996. Presently it is focusing on the following fields of work: *Local governance, strengthening of civil society and public participation, energy and climate change, skills development* and *labour market.*

Furthermore the DED addresses HIV & AIDS through support of prevention programmes and mainstreaming.

DED's strengthening civil society programme seeks to contribute to a strong and inclusive local democracy in which citizens can actively participate, raise their concerns and promote development. It does this through technical advice, networking and financial assistance.

Objectives of the programme are:

• To support efforts of civil society organisations (CSOs) to get involved in local decision-making processes and to empower their communities.

• To strengthen the organisational capacity of civil society organisations and help build an effective and recognised non-profit sector.

• To help improve information exchange and communication on local governance and municipal matters.

ded

Deutscher
Entwicklungsdienst