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# *Local councillors: scapegoats for a dysfunctional participatory democratic system? Lessons from practices of local democracy in Johannesburg*

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Public discourses emphasise the increasing role of ward councillors in service delivery and urban policy implementation, as well as underline their role as mediators between local government and urban residents. Simultaneously, local councillors are increasingly the targets of mass urban protests (Atkinson, 2006), while being relatively absent from the public scene as far as municipal decisions and debates are concerned. What can explain this discrepancy? Are ward councillors just “not performing”, not willing to play this double role, or still learning what their job is about in a new urban governance system? Are they mere scapegoats of public discontent in a time where government policies shift away from the majority’s expectations, or seem to fail, even if good intentioned, to address the needs of the poor? We rather hypothesise that beyond councillors’ uneven personal abilities and levels of commitment, there are structural elements that explain this contradiction, both in the municipal power structure, the electoral system, and local – political and urban – contexts.

This paper<sup>1</sup> starts with the study of participation patterns in different neighbourhoods in Johannesburg, and demonstrates that institutional channels (be it representative democracy, or various participatory institutions and instruments) are currently not working in Johannesburg. Be it in low-income or high-income areas, suburbs or townships, residents have to resort to other means, sidelining in particular their ward councillor, to be heard. We question the reasons for this lack of bottom-up dialogue, focusing on the figure of the ward

councillor as a supposedly key link between residents and local government, but however not able to play his/her role. We contest the dominant vision that the failure of participatory democracy in South Africa is the consequence of a lack of training, education or democratic culture, and we argue that both the limited power of ward councillors in Council, and the lack of incentive for fostering their accountability in front of voters, make local democracy institutions dysfunctional. More broadly, we question the lack of importance of participatory democracy in the ANC and in the government agenda, despite the political discourses claiming the contrary.

## **I. Local participation, a nuisance for the Council? “Communities need to be radical to be heard”**

The public discourse on the importance of local democracy and residents’ participation in the management of their city has been developing since 1994, both after the collapse of the apartheid regime in which civic organisations played an important role – and leave a legacy of locally-based mobilisation and thirst for direct democracy; and in the “third wave” democratisation process conducted by the State, in which the construction of participatory democracy is concomitant to the instauration of representative democracy. Without going much into the details of the legal texts and their intentions<sup>2</sup>, it is necessary to mention the main platforms that have been created for local or participatory democracy in South African

1 The research relies on intensive fieldwork in several wards in Johannesburg, through interviews with ward councillors, ward committee members, civic leaders, city officials, project managers, and through observation thanks to the attendance of public and committee meetings. Wards were chosen to represent different income groups, different political constituencies, and different urban settings.

2 The importance of participation in a “developmental local government” was first developed in the 1998 *White Paper on Local government*, followed by several Acts implementing various forms of local democracy: the 1998 Municipal Structures Act and the 2000 Municipal Systems Act.



cities (hereafter called “institutional participatory channels”). The first platform consists in the election of ward councillors, representing local urban territories<sup>3</sup> aimed at remaining close to the neighbourhood level. Furthermore, the implementation of ward committees is intended to deepen local democracy, by calling for civics, residents associations, and willing individuals to work with the councillor, and help him liaise with his constituency. Complementing these participatory structures, a number of participatory mechanisms have been set up: participatory town planning through periodic Integrated Development Planning processes (Harrison, 2006; Ballard et al, 2006), ideally amalgamating local needs into a metropolitan plan; ad hoc public or development forums often created around specific urban projects.

No matter how important the local democracy discourses and how various the participatory platforms, the most efficient forms of communities’ involvement into the management of their own environment are definitely not the institutional participatory channels, be it in the high- or low-income areas. The ward system, for instance, has proved inefficient, compared to marches, riots and lawsuits, for residents to have their voice heard by the Johannesburg Council. This leads to what could be called ‘ruling by exception’, from a municipal point of view: including people’s concerns or demands into policy making at the municipal level happens as an exception and as a response to (media- or judiciary-driven) urgency, much more than as the current management of daily affairs. People’s voices are taken into account only when they resort to exceptional means of expression, outside more regular, institutionalised and routine participatory structures. In other words, participation is not part of the actual city governance structure, in spite of all local government units and departments that actually (and not necessarily insincerely) use the term. I will illustrate this through two examples.

The first example examines residents’ participation in Johannesburg northern suburbs, around the issue of urban densification. While the Council (and partly the ward councillor, although she is from the DA) broadly encourages densification as part of its compact city strategy as well as economic growth and development, the residents are generally reluctant to see their green suburb being urbanised. Residents’ associations have started entering into negotiation with the Council, and a compromise seemed to have been found for a moderate densification, concen-

trated in specific areas. This compromise was reached thanks to the ward councillor and through different participatory mechanisms (IDP process; submissions of local layout and density plans to the Regional Spatial Development Framework, etc.). However, residents argue that many developers are given city permission to densify the suburb in contradiction with the framework: some associations then resort to judiciary action, “exiting” the political system to fight developers and municipal decisions in court. Whether successful or not, these lawsuits have shown property developers that they were being confronted by quite powerful residents associations: some of them, after having received approval from the Council, now directly approach residents associations to negotiate – the size and height of the building, its design – so as to make it acceptable to them and avoid long delay and legal costs.

The second example is even more striking in terms of the lack of responsiveness of municipal authorities when confronted with communities’ demands. In the late 1990s, one of the main issues that mobilised the residents of Eldorado Park, a former coloured township, was the problem of huge water and electricity arrears that led to service cuts and evictions. A group of lower middle-class residents, well informed about the legal and institutional processes, attempted to be heard through the ‘normal’ way, in vain: they approached their (DA) councillor; wrote a letter to the Mayor, who sent them to the ward ANC branch; met the locally deployed ANC MP, who addressed them to the Mayoral Committee and Ministry of Housing – nothing. It is only when they resorted to marches and made noise in the media that they managed to get some municipal consideration, in a gradual process of scaling up the movement and learning new political skills. The originally small Eldorado Park extension 9 association indeed grew to form a civic in the whole of Eldorado Park, then created a broader civic uniting all former coloured townships in Johannesburg (claiming for the scrapping off of arrears “as in Soweto”); eventually they joined the big 2004 protest organised by the Anti-Privatisation Forum, the Soweto Electricity Crisis Committee, and it was then that they were eventually granted a meeting with the Mayoral Committee. As the chairperson of the civic puts it, “it is only when you are radical that you are getting heard”.

These stories are only two amongst many, and they show a failure, or at least a structural problem,

3 Each ward in Johannesburg represents approximately 15,000 registered voters.

of institutional participatory mechanisms in the City of Johannesburg. The next step is to identify the obstacles to proper municipal responsiveness, through the study of decision-making processes within the City as well as the way one of the main participatory channels, the ward councillor system, actually works.

## II. Decision-making in the City, in a context of ANC dominance: limited power and accountability for ward councillors

Most analyses of local government failure to foster participation target the lack of training and political education, both of the councillors and of residents and groups of residents – challenged by the novelty of the ward system and the complexity of the multiple and sometimes overlapping platforms for participation. For instance, reports by IDASA (2001), DPLG-GTZ (2005) and PLANACT (2005) emphasise the need for training and workshops to explain to the residents what their rights are in terms of participation, how local government works and what channels they should use to be heard. We argue here that even if it is partly the case, it is not the main reason for the dysfunctional participatory system: the problem is much deeper and lies in the power structures of both the local city councils and of the national political setting. Indeed, two elements can be identified that explain the limits of participatory democracy:

- The limited power of councillors within the City council, due to a strong centralisation of decision-making and policy orientation;
- Their limited accountability to their constituency, due to the municipal structure itself, to the national electoral system, and to the South African and local political contexts.

### 1. Local councillors in Council have quite limited powers

The first and foremost limitation to participatory mechanisms in Johannesburg City Council is the very limited powers of ward councillors. Nobody

has interest in advertising this fact (not the least ward councillors themselves), but it necessarily creates unattainable expectations, both from the residents (accusing their councillor of being “useless”) and from the other levels of government (relying on councillors for “delivery” as if they had a big say in it).

Firstly, Council decision-making is extremely centralised in the hands of the mayor and his ten members’ executive mayoral committee; at least as is the case in Johannesburg and Cape Town<sup>4</sup>. This system is efficient in providing a strong direction to municipal strategies and policies, personified by the Mayor. But on the other hand it is depriving the Council from its function of debate and deliberation over urban strategies and policies. Although ward councillors can be heard by the Mayoral Committee, either in small working committees, in private discussion or through their party caucuses, this means more of a networking and lobbying way of participating in decision-making than a public one. In Johannesburg, this also obviously reinforces the “one-party dominance” (Southall, 2001), as the ability to influence and lobby an ANC mayoral committee is not evenly shared by all councillors – while a vote around issues could sometimes give opposition parties a meaningful role, even if they are not a very powerful minority in the Johannesburg Council. Instead, council meetings are mere political shows where the content of the debates matters less than the political stance taken by each councillor: this also provides in return very little room for constructive opposition parties.

Secondly, the structure itself of this weak council is not conducive for ward councillors to actually represent their constituency. Indeed, council is structured into thematic, not geographic, committees<sup>5</sup> (see figure 1). So far, headed by members of the Mayoral Committees, these thematic committees seem to have little decision-making power and little influence on urban policies: issues discussed deal more with implementation and bread and butter issues than with general orientation or debate on the municipal policy itself.

This choice (thematic, and not geographic, councillors’ working groups) can be partly explained by the fear of reproducing apartheid racial political territories (Cameron, 1999): administrative regions with limited powers, and no political entities, have

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4 The *Local Government Municipal Structures Act* no 117 of 1998 offers the choice between two major systems for metropolitan councils: either a mayoral executive system (where the mayor is assisted by a strong mayoral committee nominated by him, i.e. not including opposition parties: this gives him lot of power as well as to his political party, or coalition), or an executive system (elected by the council and therefore allowing for a representation of all political parties: this of course means a much weaker mayor, and a stronger council).

5 Until 2006, there used to be ten thematic committees and a few area-based committees (Inner City and Soweto).

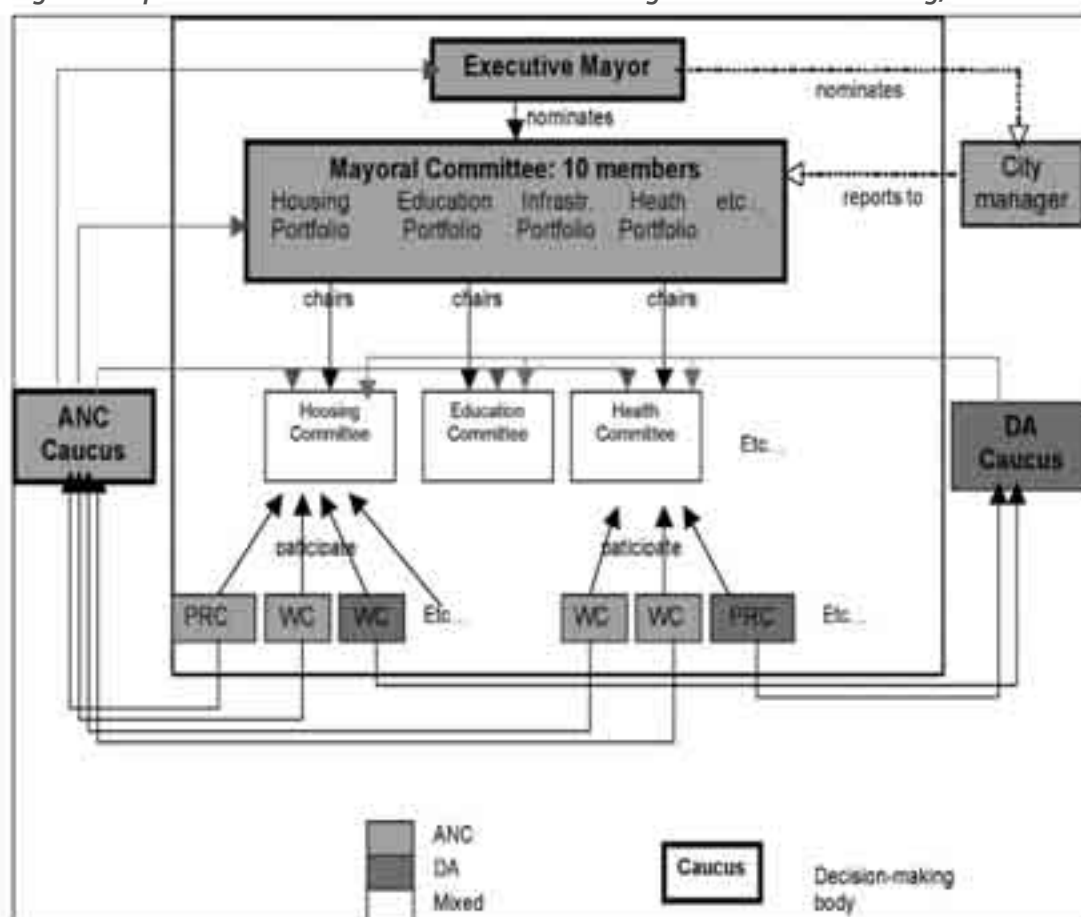


been set up to match 'functional' areas relying on pre-existing identities or socially and racially homogeneous territories<sup>6</sup>. This has important repercussions in terms of local democracy. There are no public platforms where ward councillors can prioritise expenditures and needs per area – the grounding principle for Porto Alegre participatory governance, for instance. There are no platforms either where they can express a specific local need or an increasing social tension requiring Council's attention. Even the supposed mechanism for spatial representation and prioritisation, the Integrated Development Planning (IDP) process, in which the ward councillor and his/her ward committee have an important role to play, is devoid of impact on decision-making and planning – its main limitation being the absence of budgeting associated with the priorities listed at the ward level; not to mention its other limitations, in terms of participation and understanding by even a selected few of the residents; in terms of real impact on policy

orientations (Harrison, 2006; Ballard et al, 2006). As a result, nowhere in Council does the ward councillor actually represent his/her ward.

This structure in Council increases the party's power and control, over and above the council's decision-making processes. Indeed, if for instance a ward councillor belongs to the Health committee but encounters, in his ward, major infrastructure problems, he can either report his concern to the Member of the Mayoral Committee in charge of the Infrastructure portfolio (which again depends on personal political networks), or he can bring the matter to the party caucus, where he can ask his fellow ward councillor (the one who sits on the Infrastructure Committee) to bring the matter forward on his behalf. This political route to raise a localised concern seems to be quite dysfunctional, and more often than not, ward needs and requirements are not taken from the bottom-up.

*Fig. 1 – Simplified Council structure and decision-making bodies in Johannesburg, 2005*



6 In Cape Town, this is different though, since there is a system of local sub-councils, where ward councillors of specific geographical area sit together in political entities. Precisely, these sub-councils are sometimes accused of reproducing the apartheid "Bantustans" as they are political structures designed around racially homogeneous territories (cf. Powel, A, 2006 "ANC, ID slam DA 'Bantustan' submission", *Cape Times*, May 18).

Johannesburg Council is not unaware of these difficulties, of course (Seedat, 2005). Centralisation of decision-making power and ANC control have been chosen over the need for democratic participation – after the crisis of the dual system model (a metropolitan government and powerful substructures) which contributed to the political and fiscal crises in the late 1990s. The latest restructuring of Johannesburg Council (mid 2006, still in process) is seeking to address some of the issues at stake; to foster participation and local representation, such as by giving the thematic committees an overseeing role (that remains to be defined); and by restructuring administrative regions (Soweto, which used to be split into two administrative regions will now fall under a single one). This might contribute in the longer term towards building a territorial platform where problems (and their hierarchy) are discussed at an area level. However, the limited power of regions can make this process quite lengthy, at best; inefficient, at worst.

## 2. Ward councillors lack, and do not look for, accountability to their voters

This lack of power is not an incentive for a strong accountability. Few councillors, knowing their powers are limited, dare confront their constituency especially when problems are rife. Few will either admit that their powers are limited, as it would destroy their prestige – unless they belong to an opposition party and can blame the ANC. Councillors will, rather than engaging with their potentially problematic constituency, use their only resource (information and network) at their discretion to build some influence locally (Bénit-Gbaffou, 2006). Councillors' accountability to their voters is further limited by two structural, interrelated elements: the South African electoral system, and South Africans' current electoral practices.

Firstly, the electoral system emphasises the importance of the party in the choice of ward candidates (Cameron, 2006; Cherry, 2004; Darracq, 2006). ANC branch members first choose their preferred ANC candidate for the ward: but this choice is discussed, and easily and commonly reversed at the zone and at the regional level within the ANC. While the ANC branch's choice can reflect a candidate's popularity or efficiency locally, the regional level will

often propel candidates unknown locally, for other, often obscure or strategic reasons – but all related more to the place, power and political network of such a candidate within the party than to his/her embeddedness into a specific ward constituency. In this process, civic and community leaders are often sidelined in favour of candidates perceived as 'outsiders' and having very little knowledge or involvement in local issues – fostering local discontent and often leading such activists to stand for other parties or as independent candidates.

Such a crucial role for the party (and not for the local party branch nor for the constituency) in the selection of ward candidates leads councillors to try and please their ANC hierarchy more than their constituency: the party's, not the voters, satisfaction will lead to a councillors' re-election at the end of his/her mandate. For ANC councillors, it is therefore difficult, almost impossible, to ever criticise an ANC urban policy, principle or implementation. On the matter of privatisation of urban services in the townships, for instance, residents cannot rely on councillors to help them formalise obvious criticisms. The one Sowetan councillor who has tried, Trevor Ngwane, expressing his opposition to the council-led privatisation of water and electricity, has been expelled from the ANC<sup>7</sup>. In our case studies, it is not that councillors or ANC members do not see the hardship created by privatised water and electricity provision; but they cannot take a public stance against it. In Eldorado Park for instance, where government has just started installing a pre-paid electricity system and where some residents individually express their financial incapacity to pay and livelihood disarray, an ANC branch executive member admitted: "Personally, I am not favourable to [the pre-paid system]; but... politically I am supporting it" (Interview, GW, 2006).

Secondly, ward councillors have little incentive to feel accountable to their local constituency because of political behaviours in South Africa, which have been explained more as a marker of identity than as a 'rational choice' between various candidates, policies or programmes (Friedman, 2005). A bad-performing councillor may lead more to a decreased turnout pattern or to other signs of discontent and hopelessness, than to a shift in the support for the party. The fact that residents vote for a party more than for a candidate however remains to be more thoroughly researched (Mattes, 2005; Fauvelle-Aymar, 2006), especially as it may change in time: observation of

7 Freedom of Expression Institute, 1999, "Greater Johannesburg ANC suspends Pimville councillor Trevor Ngwane for publicly opposing Igoli 2002 Plan," 26 October.

ward committee members' elections can provide some thoughts in this regard (Bénit-Gbaffou, 2006). One might also question the sense of causality: is it because voters support a party (no matter who the candidate or what his local programme is) that there is little attention to the choice of a locally legitimate/accountable candidate, or is it because candidates are not debating on local issues but referring to their belonging party as their main electoral argument, that voters vote for the party more than the candidate? Eventually, one might find different patterns in more politically contested contexts.

Presently these two factors seriously limit the overall accountability of councillors towards their voters. Even ward committees have a low ability to challenge their councillor to make sure they are liaising in an appropriate manner between the Council and communities, or to access information on council policies or meetings. The ward committees' mandate is officially limited, and if considered too obstructive, it can be easily sidelined by councillors. On the one hand, this limitation of ward committees' power has its legitimacy – it gives the elected councillor (representative democracy) more power over a ward committee whose election 'by the community' remains prone to manipulation, as is often the case in participatory democracy. On the other hand, this may be a missed opportunity for enhancing councillors' accountability towards their local basis.

Therefore, the lack of commitment of residents into ward committee meetings and participation processes is not very surprising: if ward committees are seen as powerless institutions, incentive to learn and develop this new approach to urban governance is low: in a functionalist vision, an efficient instrument for action usually does not take long to be recognised, seen and used. And indeed, the PLANACT report (2005) stresses two main criticisms expressed by ward committee members: their lack of clarity on instruments for action, and their frustration regarding their lack of impact on council's processes. On the ward councillors' side, having a participatory approach to local development is obviously not entrenched in the urban government usual practice – but is there a real incentive to do that? We have shown this is not the case, especially for the ANC in the current municipal structure and political system.

Therefore, recommendations by agencies like GTZ, IDASA or PLANACT for the improvement of local democracy and ward committees, emphasising the role of ward committee members' training, the need for public financial resources and the importance of an increased communication with

Council, are only partly addressing the problem. The core of the problem lies in the power structures both within the party system and the council, much more than the lack of information and communication – but of course the former is far more difficult to address, and less politically correct.

## Conclusion

This paper has shown that, in spite of the participation and decentralisation rhetoric, there is no real power vested at the local level. Participation is in practice considered a nuisance, be it through local elected representatives (who are given no real power), through projects ad hoc participatory platforms (often not taken very seriously), or through more informal interaction with local communities – as if they could only bring contest and arguments, and were in any case a waste of time and money. This contempt for participation is not an accident: it is rooted in both the municipal structure and in the electoral and party systems, aggravated in Johannesburg by the strong ANC dominance. Participation can be planned aside at each level of government; but is certainly not cast in policy-making, decisional structures or in urban projects' implementation.

Why is participation so marginalised in the current ANC government and policy? The party tends on the contrary to increase its centralisation and concentration of powers (Lodge, 2005), possibly a strategy to avoid confrontation and criticism; but is also, at a deeper level, a political choice for state efficiency and stability versus state accountability (Southall, 2001). Indeed, the needs for reconciliation, redistribution and social integration are huge and a full-fledged participation would probably endanger this aim – as participation can be parochial and conservative. It is all the more the case as the most powerful residents (who could use participatory mechanisms at their profit with the greatest efficiency) are in their majority supporting the opposition party. In Johannesburg, the desire of the City to keep the former white municipalities under control and to fight a DA constituency that has proved powerful in the transitional local government structure (1995-2000), is certainly an important explanation for the low profile of participatory democracy in current ANC policies.

More generally, and going beyond South Africa, participatory democracy is a challenge to the power of the State – implying the sharing of decision-

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making, negotiating policies and budgets, etc. Unlike in the Brazilian context where the Labour Party used participatory democracy as a key issue in its political programme to win the support of the masses in a politically competitive context, and as a way to uproot traditional clientelist practices that were blocking the path to power (Guidry, 2003), the African National Congress has little obligation to relinquish some of its power, especially in Johannesburg where its political domination is uncontested. If some trends within the ANC were more sympathetic to grass-roots democracy, following the legacy of the United Democratic Front (Seekings, 2000), this trend does not seem dominant within the ANC government. The recent call<sup>8</sup> to revive the UDF as a means to foster a more powerful civil society that could pressure government to deliver and listen to the poor remains so far quite marginal, if not accompanied by a change in the structure of power at the local

government level.

Ward councillors in this perspective are mere local social peace keepers – and their task will be more and more difficult as their powers remain limited in front of rising local discontent, whilst they are more and more presented by government as at the forefront of local delivery. Some are often caught between their possible sympathy for the needs expressed at the ward level on the one hand, and council policies and party directions on the other<sup>9</sup>. One of their growing avenues for action is the use of individual clientelism – not achieving much in terms of collective good but fragmenting or diffusing discontent by distributing some resources to well selected leaders. This might be partly efficient to maintain social peace, but has certain effects on political practices and cultures – corruption and contempt for politics seen as a way of accessing resources on an individual basis, more than a way of addressing collective rights.

8 By the Western Cape branch of COSATU, and by the ANC (although in vaguer terms, calling for the creation of a “broad front” in civil society).

9 As apparent in the recent measure taken by the eThekweni municipality, urging its councillors not to encourage land invasion and shack development: Mthembu, B, 2006, “Municipality signs pledge over land: Councillors ‘encouraging mushrooming of shacks,’” *Daily News*, November 1<sup>st</sup>.

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