

CIVIL SOCIETY PARTICIPATION IN THE MBOMBELA LOCAL MUNICIPALITY

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DECLARATION

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management (in the field of Public and Development Management) in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.

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September, 2010

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DEDICATION

Risuna, Rivoningo, and Lindiwe this one is for you.

ABSTRACT

Public participation and the free existence of civil society organisations capable of interfacing with governance practices are accepted as some of the essential elements of a democratic system of governance. Thus, democratic states should have systems of governance that entrench mechanisms for public and civil society participation in the legislative processes at all spheres or levels of government. The epoch making 1994 general elections and the adoption of the new Constitution in 1996 turned South Africa into a democratic republic. The Constitution marked a significant shift from an authoritarian apartheid state to a democratic one where civil liberties are assured.

The 1996 Constitution introduced many changes on governance in South Africa two which are worth mentioning in this study. Firstly, local government is considered as a sphere of government as opposed to a tier of government. Secondly, public and civil society participation is provided for in the three spheres of government. The constitution expresses this more clearly for the local government sphere by defining public and civil society participation as one of the objects. Consistent with this, municipalities are expected to develop a governance culture that promotes the involvement of individuals and organised groups in their decision making. To this end, structures such as ward committees and other issue specific representative forums have been put in place to promote public participation in municipal processes. However, the participation of civil society organisations in municipal processes remains blurred.

This study investigates the current levels of civil society engagement in local governance by looking at the involvement of Non-Governmental Organisations (NGOs) and Community-Based-Organisations (CBOs) in the Mbombela municipality in the Mpumalanga Province. To achieve this, the study investigates the participation of civil society organisations in the following municipal processes: local economic development planning (LED), integrated development planning (IDP), municipal budgeting, and service delivery in Mbombela municipality. Qualitative research methodology was used in conducting the study. The study employed a combination of interviews and documental review to solicit data on civil society participation the Mbombela municipality.

The study observed that there were low levels of civil society participation in municipal processes in the Mbombela municipality. During the study, it was discovered that it was in the only in the Local AIDS Council that civil society organisations in Mbombela had a representation. The other participatory forums such and the IDP representative forums had no civil society representation. The study further observed that the Mbombela municipality did not have a tailor-made process that would facilitate the involvement of civil society in its governance processes. Civil society organisations in Mbombela on the other hand appear not to be making efforts to participate in municipal decision making processes.

Based on the findings the study makes recommendations to the civil society, local, provincial, and national governments as well as the research community on how each stakeholder can contribute towards the enhancement of civil society organisations. For the three spheres of government, recommendations are made on each sphere's contribution towards the development of mechanisms and systems that need to be in place to promote civil society participation in local government. For civil society, recommendations are made on the need for civil society to claim its stake on municipal governance. For the research community, areas for research as a way to contribute on the ongoing scholarly discourse on civil society participation in local government are recommended.

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LIST OF ABBREVIATIONS

CBOs	Community-Based-Organisations
CBP	Community Based Planning
CSOs	Civil Society Organisations
COGTA	Cooperative Governance and Traditional Affairs
COSATU	Congress of South African Trade Unions
DPLG	Department of Provincial and Local Government
IDP	Integrated Development Planning
LED	Local Economic Development
NAFCOC	National African Federated Chamber of Commerce and Industry
NGOs	Non-Governmental Organisations
MSA	Municipal Systems Act
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
TAC	Treatment Action Campaign

CHAPTER 1: INTRODUCTION

1.1 Introduction

The 1995 local government elections marked the beginning of the current system of local governance in South Africa. It introduced transitional local councils throughout the country. These transitional councils were a bold attempt at integrating historically separate white and black only councils in urban settings and tribal or traditional authorities in rural settings. The Constitution of the Republic of South Africa (1996) consolidated the transition of South Africa's system of local governance by defining local government as a sphere of government as opposed to a tier system of government. This implied that local government derives its powers and functions from the country's constitution instead of receiving delegated powers and functions from national and provincial governments. Amongst the constitutional mandates to the sphere of local government is the provision of democratic and accountable governance to local communities as well as the involvement of communities and their organisations in matters of local government.

This mandate brought about the establishment in South Africa, of a system of local governance with a strong participatory element. In 1998, the Ministry for Provincial and Local Government, now Cooperative Governance and Traditional Affairs, embarked on a policy process that culminated in the production of a White Paper on Local Government. This White Paper defined the transformation trajectory of the local government system in post-apartheid South Africa. In the White Paper, local government is characterised as developmental as a way to make local government people-oriented and inclusive in decision-making processes; transparent and accountable in its actions and responsive to people's needs.

The pursuit of a developmental local government as envisaged by the White Paper on Local Government requires municipalities to develop a participatory culture of governance. This can be achieved through the establishment of representative and participatory structures such as Ward Committees and integrated development planning (IDP) representative forums. It is envisaged that these structures would consist of individuals and interest groups that exist in municipality's areas of jurisdiction. To realise the representation of interest groups in

participatory forums, municipalities are expected to develop and implement electoral practices that promote sector representation. However, the location of civil society organisations within these structures is rather blurred despite the presence of a vibrant civil society in various municipal settings which are playing a vital role in community development and in some instances complement municipal efforts. Moreover, civil society formations in South Africa continue to have an interest in the democratisation efforts and have expressed their interest by initiating projects and campaigns that seek to deepen participatory governance and consolidating democracy.

Civil Society Organisations (CSOs) were and are still recognised as one of the key drivers of the struggle against apartheid in South Africa. They have provided a space in which people converged to share their desires for a democratic society underpinned by principles of human rights. They also served as an alternative platform through which South Africans waged their struggles against apartheid. Thus, the role of most civil society organisations revolved mainly around activities that sought to change the South Africa's non-democratic political landscape of the apartheid era.

South Africa's civil society can be characterised as voluntary associations or organisations that have a national, provincial and local scope of operation and impact. Such a characterisation will not only define their geographic scope of operation but also their level of engagement with government. For instance; national, provincial and local civil society formations will engage with corresponding national, provincial and local spheres of government respectively. At this point, it is mainly civil society formations that have a national and provincial scope that seem to be actively involved in governance through making inputs in the legislative and policy formulation processes in the respective spheres. Notwithstanding the magnitude of civil society at the local level, on one hand and the expected participatory nature of South Africa's current system of local governance, the involvement of civil society at the municipal level remains a fundamental challenge for democracy in South Africa (CORE & IDASA, 2001).

Whilst the role of civil society is clearly visible at both national and provincial spheres of government, the same can hardly be said about the sphere of local governance. The purpose of this study was to investigate the current levels of civil society engagement in local governance by looking at the involvement of Non-Governmental Organisations (NGOs) and

Community-Based-Organisations (CBOs) in competency areas of local government. Section 152 of South Africa's Constitution identifies the objects of local government as follows: (i) the provision of democratic and accountable governance to local communities; (ii) to ensure the provision of services to communities in a sustainable manner; (iii) to promote social and economic development; (iv) to promote a safe and healthy environment; and (v) to encourage the involvement of communities and community organisations in matters of local government.

The foregoing constitutionally defined mandate places governance and development responsibilities on local government institutions. This study concern itself with the need for local government to provide democratic and accountable governance to local communities; and the need to encourage the involvement of communities and community organisations in matters of local government. To achieve this, the study investigates the participation of civil society organisations in the following municipal processes: local economic development (LED) planning, integrated development planning (IDP), municipal budgeting, and service delivery in the Mbombela municipality.

1.2 Background to the study

The current system of local governance in South Africa is characterised by both the White Paper on Local Government (1998) and the Constitution of the Republic of South Africa (1996) as developmental in purpose. The Constitution of South Africa (1996) provides that one of the purposes of local government is to provide democratic and accountable governance to local communities and to ensure the involvement of communities and their organisations in local governance. Consistent with this stipulated objective, municipalities are expected to develop a municipal governance culture that promotes the involvement of individuals and organised groups in municipal decision-making.

To this end, structures such as Ward Committees and other issue specific representative forums have been put in place to promote public participation in municipal processes. However, the participation of civil society organisations in municipal processes remains blurred. Firstly, the representation of civil society organisations in participatory forums where

it exists, such as ward committees is very limited. Secondly, there appears to be limited tailor-made municipal participatory forums that are targeted at civil society organisations. This study investigates the participation of civil society organisations in municipal processes with a specific focus on Mbombela Municipality in Mpumalanga province.

According to Pateman (1970), the theory of participatory democracy is centred on the assertion that individuals and their institutions cannot be considered in isolation from one another. The existence of representative institutions at national level is not a sufficient condition for democracy. Instead, representative institutions must be complemented by maximum participation by all the people at the level of socialisation. Social training for democracy must take place in other spheres or levels of government in order that the necessary individual attitudes and psychological qualities can be developed. This development takes place through the process of participation itself. The major function of participation in the theory of participatory democracy is therefore an educative one in the widest sense, including both the psychological aspect and the gaining practice in democratic skills and procedures. Thus, there is no special problem about the stability of a participatory system because it is self-sustaining through the educative impact of the participatory process.

Participation develops and fosters the qualities necessary for it; the more individuals participate in the democratic process of local government, the better able they become to do so. This participation could be either individually or through organised formations in civil society. The role of civil society has been widely hailed by many scholars in the governance and development discourse both in developed and developing countries as indispensable. It is argued by scholars and commentators that such a role is not only limited to national but extends into regional, district and local governance. It needs to be stated here that South Africa is not an exception in this regard. In fact, South Africa showed a strong tradition of civil society engagement during the many decades of apartheid in which civil society organisations played an important role in the struggle for liberation. This role of liberation heightened when political parties were banned and most political leaders being jailed or exiled.

Following the demise of apartheid, civil society formations played a critical role in crafting the roadmap for local governance in the new democratic dispensation. This involved among others partaking in a national discourse on matters such as the Reconstruction and

Development Programme (RDP) finalisation, constitution making processes. To date, civil society organisations continue to participate in governance efforts in South Africa through written submissions to parliament and other pertinent arms of government through collective efforts. These organisations also contributed to the redressing of the socio-economic and political effects of apartheid, especially amongst poor people, mainly through donor-funded initiatives.

1.3 Definition of Concepts

For many decades now, the concepts of public participation and civil society have been the subject of debates amongst academics, political activists and even formations to which the concept has been assigned. At the centre of this debate has been the contestation of the meaning of the concepts, their origins, their validity and applicability (or none thereof) in the African context. Furthermore, these debates also questioned the necessity of both public participation and civil society as an integral part of modern society and democratic states. It is not the intention of this study to neither agree with nor refute the arguments that have been advanced in terms of the debate around public participation of civil society in governance, nor is this an attempt to coin a new definition for the concept. Instead, this section explores a few of the definitions already in existence with the purpose of arriving at a working definition of ‘public participation’ and ‘civil society’ to be applied in the study.

1.3.1 Public Participation

According to Midgley (1986), participation is a direct, voluntary and democratic involvement of people in the development effort: sharing equitably in the benefits derived and decision-making in respect of goal setting; and involvement in the formulation of policies; planning and implementation of economic and social development programmes. In reality, this means that participation should be active and take cognisance of, and consider inputs and support from a wide range of people. So that equality is promoted, this must be also accompanied with a strong sense of sharing in the decision-making so that no one should feel dominated.

Moser (1992) defines public participation as a process designed to create conditions of social and economic progress for the public through active participation. The process has been

identified as a most efficient way of providing basic services such as health, education, water and sewerage. The Skeffington Commission of 1968, add that public participation should include sharing of information in the formulation of policies and proposals. Arnstein (1969) proposed that public participation should lead to the transfer of power. It should enable the marginalised citizens to be included in the political processes of municipal governance.

Gaventa *et al.*, (2007) suggests that public participation is a high maintenance model that requires: (i) the appropriate political will from political, administrative and civil society elites; (ii) appropriate-principally empowered-institutional design; and (iii) effective mobilisation of communities, especially poor and marginalised groups into these new spaces to impact on decisions. These three components should complement each other in order for effective participation to take place. This implies that for a municipality enable effective public participation in its process, it should strive to get these three preconditions for participation right. It also suggests that it is not enough for municipalities to establish participatory forums without mobilising communities to participate in such forums.

From the above definitions, it is evident that Midgley (1986), Moser (1992), and Arnstein (1969) all share the view that participation should be an ongoing practice embraced by both the governors and the governed. It should seek to promote equality in both decision making and the allocation of resources. It should lead to the transfer of power from the leading elites to the marginalised sections of society and the improvement of their socio-economic conditions. Thus, it should have an impact on society through both tangible and intangible results. The tangible results could be the provision of adequate and quality services to the consumers. The intangible results, on the other hand, could be the transfer of knowledge, skills and decision-making power to the stakeholders. Gaventa proposed institutional requirements at both the political and administrative levels that would enable public participation as a precondition for a participatory system of local governance. These conditions are complementary in nature and too much emphasis on one at the expense of the other may render local participatory governance impossible.

Seen against the above, the meaning of public participation employed in this study is one that views participation as: a voluntary and democratic involvement of people in contributing towards the development effort; and who share equitably in the benefits derived and decision-making in respect of goal setting; and involvement in the formulation of policies; planning

and implementation of economic and social development programmes (Midgley, 1986). It also adopts Gaventas' (2007) view that public participation requires: (i) the appropriate political will from political, administrative and civil society elites, (ii) appropriate-principally empowered-institutional design, and (iii) effective mobilisation of communities, especially poor and marginalised groups into these new spaces to impact on decisions.

1.3.2. Civil Society

According to Thomas (1999), 18th century political theorists viewed civil society as a parallel domain to the state; a realm where citizens associate according to their own interests and wishes. Chandhoke (2001) characterises civil society as “those dimensions of social life which cannot be confounded with, swallowed up in the state”. He also defines civil society as a third realm that is differentiated from the economy and the state and not contaminated by the logic activities and discourses of either politics or economics.

The independence of civil society from the state and politics has been already emphasised in other writings on civil society. There is consensus amongst scholars that civil society will only be functional and objective if it is not controlled by the state and does not participate in politics. One important dimension that emerges from the above assertion is the economic regime. As desirable as this independence from politics and economics may be, the fact remains that people voluntarily associate in response to the circumstances that surrounds them suggests that civil society, in both its orientation and actions, cannot be oblivious to the impact of political and economic spheres. In fact, some people voluntarily associate in order to provide a collective response to the prevalent political, social or economic paradigm that surrounds them in a given point in history. In the case of South Africa, the Treatment Action Campaign presents a classical example of people voluntarily associating as a response to government policy responses to HIV and AIDS challenges faced by the country. Their other intention of associating was to promote and defend the socio-political rights of individuals who are living with HIV and AIDS.

Civil society is defined by London School of Economics as an arena of un-coerced collective action around shared interests, purposes and values. This domain embraces a diversity of spaces, actors and institutional forms varying in their degree of formality, autonomy and power. Civil society is comprised of trade unions, charity groups, non-governmental

organisations (NGOs) professional associations, coalitions and advocacy groups etc. (London School of Economics, 2006).

Notwithstanding the many existing definitions, their point of convergence is well captured by the Encyclopaedia of Democracy (1995) which proposes four key features of civil society. The first and indispensable feature is autonomy from the state. The second feature is the enjoyment of access to different sectors of society to the agencies of the state and their acceptance of a certain commitment to the political community and the rules of the state. The third feature rests on the development of a multiplicity of autonomous public arenas within which various associations regulate their own activities, and govern their own members, thereby preventing societies from becoming a shapeless mass. The fourth feature is that these arenas must be accessible to citizens and open to public deliberation and not be embedded in exclusive, secretive, or cooperative settings.

The above definitions demonstrate that civil society is comprised of diverse interest groups in which individuals converge in pursuit of common interest that could be of private or societal orientation. Thus, civil society is inclusive of organisations such as trade unions, coalitions, professional associations. In this study 'civil society' means NGOs and community based organisations (CBOs) that are involved in development work in Mbombela local municipality. This study is a reflection of the views on civil society participation from the NGO and CBO and Mbombela municipal perspectives.

1.4 Delimitation of the study

The concept of civil society embraces a plethora of formations in which people associate voluntarily in pursuit or in their defence of shared interests. These formations may include trade unions such as the Congress of South African Trade Unions (COSATU), non-governmental organisations (big and small) such as the Treatment Action Campaign (TAC), and community based organisations CBOs such as awareness raising and community development organisations. In this study, participation of civil society is not designed to be inclusive of all the civil society organisations but rather is primarily focused on community based organisations CBOs within the Mbombela municipality. Moreover, the study uses the existing scholarly definitions of the two concepts of public participation and civil society as

presented by Arnstein (1969), Midgley (1986), Moser (1992), the Encyclopaedia of Democracy (1995), and the London School of Economics (2006) respectively to appraise the current levels of civil society organisations in Mbombela municipality.

1.5 Problem Statement

Post-apartheid South Africa saw the changing role of civil society from being protagonist for freedom to a service as well as expressive role with an exception of few that appear to juggle both roles. The service role of civil society refers to activities that seek to extend social services that were supposed to be rendered by government to communities such as the distribution of food parcels and HIV and AIDS relief products. The expressive role on the other hand refers to advocacy activities that are aimed at either reorientation of government policies or programmes (Swilling *et al.*, 2004). Their ability to play these roles is largely visible in the policy formulation process at the national and provincial spheres of government. However, with the exception of isolated instances where civil society is involved on local government related legislative and policy formulation processes at national and provincial level, their role in local governance matters such as: development planning; municipal budgeting processes; policy formulation; and local economic development at municipal level remains indistinct. Little is known why there is poor participation of the civil society at the municipal level.

It is this indistinctness of civil society's role at municipal level that is a cause for concern given the centrality of local government towards promoting democratic governance and access to socio-economic rights by ordinary men and women in South Africa. It is the centrality of local government's role in South Africa's democratisation project that necessitates the presence of vibrant independent voices of CBOs that will not be only able to hold municipalities accountable for their decisions but also provide an alternative people-oriented view in municipal decision-making.

1.6 Purpose of the Study

The purpose of this research is firstly to investigate factors leading to poor participation of civil society formations in the Mbombela municipality. Secondly, the study seeks to

understand the factors that inform the current patterns of civil society involvement in municipal governance by examining the instruments and mechanisms available for civil society participation in municipal governance processes such as integrated development planning and local economic development. The study also reviews factors that influence civil society formations' involvement or non-involvement in municipal governance processes within the sector itself.

The findings of the study are analysed and recommendations on strategies for the improvement of civil society participation in local governance made to national, provincial and local spheres of government, civil society and research institutions. In order to achieve the objectives of the study mentioned above, the following critical questions have been raised and are presented in the next section (1.7) of this report.

1.7 Research Questions

This research is undertaken in pursuit of responses to the following research questions:

1. What are the factors that lead to the lack of civil society formations in the Mbombela municipal processes?
2. What are the current trends of civil society participation in Mbombela municipality?
3. What are the strategies that can be under consideration to improve civil society participation in Mbombela municipality?

1.8 Significance of the study

Quite a considerable body of knowledge on civil society, local governance and participation as independent fields of study already exists at global, continental (Africa) and to a certain extent in South Africa. However, there is very limited work that has already been done in the area of civil society participation in matters of local governance in South Africa. Yet the importance of local governance to the democratisation and development efforts in South Africa and elsewhere is gaining prominence. Both classical and modern political theorists

have identified the local political arena as a critical building block for participatory democracy and a learning ground for ordinary citizens who are novices in the practice of participatory democracy. It is their contention that participation in local governance matters will prepare the citizenry for participation in national governance processes. Moreover, they agree that it is at a local governance level that it is more practical for ordinary citizens to participate in governance matters. In the case of South Africa, this logic would also apply to small scale community based organisations or CBOs and other interest groups who would not usually have capacity to engage in provincial and national governance process.

In South Africa, the importance of civil society involvement in local governance cannot be overemphasised given the developmental mandate entrusted to local government institutions. This study explores the current levels of civil society involvement in municipal processes and the contextual factors that influence these levels from the perspective of municipalities and civil society. Moreover, the findings of the study will make a contribution to the continuing discourse in the area of civil society engagement in matters of local governance and democratisation in the public sector, civil society, the academia and public domain.

1.9 Limitations of the study

In this study, much of the data was sourced directly from both the Mbombela municipality and civil society organisations in the Mbombela municipality. As a result, it took longer time to get some of the interviews especially with municipal officials who usually work under tight schedules. Another limitation related to some of the interviewees did not entirely open up and divulge all the necessary information for various reasons. Such a practice of not being easily available and reluctance to divulge organisational information seems to be common practice in both civil society and municipal officials to safeguard their positions as well as concealing organisational inadequacies.

1.10 Overview of Chapters

Chapter One: Introduction

This chapter focuses on the orientation of the study where the purpose of the study, problem statement, research questions, the significance of the study, and the delimitation of the study is presented.

Chapter Two: Literature Review

This chapter looks on the existing body of knowledge within the focal area of this study. It presents an array of scholarly work that deals with public participation, civil society organisations and their involvement in matters of local governance.

Chapter Three: Research Methodology

Chapter three presents an account on the research methodology that is employed in the study. The chapter discusses the research approach, research design, data collection methods, sampling and data analysis.

Chapter Four: Data Presentation

This chapter focuses on presenting the data gathered during the data collection phase of the research. The key findings of the research are presented in a summary form.

Chapter Five: Data Analysis and Interpretation

Chapter Five presents an analysis, interpretation and meaning made by the researcher on findings of the study in order to provide answers to the research questions presented in Chapter 1 of this report.

Chapter Six: Conclusions and Recommendations

This chapter provides conclusions made by the study based on the analysis of the findings of the study as per research questions in chapter 1 of this report. Recommendations for effective implementation of participatory democratic practices in the Mbombela Municipality are provided. From the findings of this study, an effort is made to propose measures that can be used to make the different representative forums to be reflective of civil society organisations. Proposed areas for further research are also presented.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

The role of civil society has been widely hailed as indispensable by many scholars in the governance and development discourse both in developed and developing countries and is not only limited to national but transcends to regional, district and local governance (Chambers, 2002; Diamond, 1992; Mill 1999; Pateman, 1970). South Africa is not an exception in this regard. In fact, South Africa boasts a strong tradition of civil society engagement during the many decades of apartheid. Civil society organisations played an important role in the struggle for liberation, with this role heightening when political parties were banned and most opposition political leaders being jailed or exiled.

Civil society is recognised as one of the key drivers of the struggle against apartheid in South Africa. This is largely because civil society provided an avenue in which people converged to share their desires for a democratic society underpinned by principles of human rights. It also served as an alternative platform through which South Africans waged their struggles against apartheid. Thus during the apartheid era, the role of most civil society organisations mainly revolved around activities that sought to change South Africa's political landscape (Rapoo & Kihato 1999; Taljaard, 2009).

Following the demise of apartheid, civil society formations have played a critical role in crafting the roadmap for a new democratic dispensation. This involved among other things partaking in the formulation and implementation of the reconstruction and development programme for South Africa (RDP), the constitution making processes for a democratic South Africa and other policy formulation processes that ensued after the 1994 democratic elections in South Africa. To date, through collective efforts, civil society organisations continue to participate in governance efforts in South Africa through written submissions to parliament and other pertinent arms of government. They are also contributing in redressing the socio-economic and political effects of apartheid especially amongst poor people mainly through donor-funded initiatives (Robison & Friedman, 2005).

South Africa's civil society can be characterised as organisations that have a national, provincial and local scope of operation and impact. Such a characterisation will not only define the geographic scope of operation but also their level of engagement with government suggesting that national, provincial and local civil society formations will engage national, provincial and local spheres of government respectively. At this point, it is mainly civil society formations that have a national and provincial scope that seem to be actively involved in governance through making inputs in the legislative and policy formulation processes in the respective spheres. Notwithstanding the magnitude of civil society at the local level, on the one hand and the expected participatory nature of South Africa's current system of local governance, and on the other hand the involvement of civil society at the municipal level remain a fundamental challenge for democracy at local level in South Africa (CORE & IDASA, 2001).

The current system of local governance in South Africa was first introduced through the 1995 local government elections that introduced transitional local councils throughout the country. These transitional councils were a bold attempt at integrating historically white and black only councils in urban settings and tribal or traditional authorities in rural settings. The Constitution of the democratic Republic of South Africa (1996) sets the tone for local governance in South Africa by identifying it as a sphere of government with a clearly defined constitutional mandate. Amongst the constitutional mandates to the sphere of local government is the provision of democratic and accountable governance to local communities as well as the involvement of communities and their organisations in matters of local government (RSA Constitution, 1996).

The aforementioned mandates, which are interlinked, necessitated the establishment in South Africa, of a system of local governance with strong participatory element. The White Paper on Local Government (RSA, 1998) characterises local government as developmental, making it people-oriented and one with an inclusive decision-making processes that is both transparent and accountable in its actions and responsive to people's needs. In response to this vision for local governance, municipalities established structures for participation such as Ward Committees, Local AIDS Councils, local economic development (LED), and Integrated Development Planning (IDP) forums. However, the location of civil society organisations in these structures is rather blurred despite the presence of a vibrant civil society in various municipal settings which are playing a vital role in community development in some

instances complement municipal efforts. Despite this, civil society formations in South Africa continue to have interest in the democratisation efforts and express such an interest by initiating projects and campaigns that seek to deepen participatory governance and consolidating democracy.

Whilst the role of civil society is clearly visible at both national and provincial spheres of government, the same can hardly be said about the sphere of local governance. This study examined the current levels of civil society engagement in local governance by investigating the involvement of NGOs and CBOs as one of the main areas of competency of local government, such as the provision of democratic and accountable governance to local communities and ensuring the involvement of communities and community organisations in municipal governance. The involvement of communities in municipal governance which includes, but is not limited to Local Economic Development planning (LED), Integrated Development Planning (IDP), municipal budgeting and service delivery.

2.2 Legislative Framework on Public Participation

The current system of local government in South Africa provides opportunities for civil society organisations to participate in municipal processes through various legislative and regulatory instruments. These opportunities are made manifest through sections 152 (1) (a) and (e) of the Constitution (RSA, 1996) which defines some of the purposes or goals of local government as being to provide a democratic and accountable government to local communities, and encouraging the involvement of communities and community organisations in matters of local governance respectively. In furtherance of the constitution's ideals, chapter 4 of the Municipal Systems Act (MSA), RSA (2000) requires municipalities to develop a culture of governance wherein the practice of representative and participatory democracy complement one another. This implies that elected representatives should involve the constituencies they represent in the municipal council in decision-making processes.

The above form of local governance would only be attained by ensuring that the public is involved when considering decision making by a municipal council on the following matters: municipal by-law; municipal budget; municipal integrated development plan; municipal performance management system; and the decision to enter to service level agreement for

purposes of the delivery of municipal services. Whilst the MSA does not prescribe the means through which municipalities must foster public participation, it requires of them to utilize all resources at their disposal to foster public participation in municipal decision-making on all the above mentioned matters.

Part four of the Municipal Structures Act (1998) provides for the establishment of Ward Committees as a one of the internal structures and functionaries within a municipality. A Ward Committee is envisaged by the Municipal Structures Act of 1998 to serve as a vehicle through which municipal constituencies in their respective wards can participate in the governance of their localities. This Act provides for the Ward Committees to be constituted by representatives of various interest groupings within the ward excluding political parties whom it is presumed are already represented in municipal council and whose level of representation is based on their performance at the ballot. In addition to Ward Committees, municipalities may establish area or subject specific forums such as IDP, LED and Local AIDS Councils. These committees are also expected to be representative of all interest groups that are existent within the municipality.

Whilst the above cited legislations may not explicitly define spaces for civil society organisations to participate in local governance, they create a legal environment within which civil society organisations may participate in municipal processes. However, they need to compete with other forces for their voice in the municipal decision-making. As Oldfield (2008) observes, most legislated channels for participation provides opportunities for citizens and communities to engage with local governance through structures such as ward committees, integrated development planning and consultation in service delivery processes. However, these are highly contested spaces in form, content, limit, politics and ideology in the context of the everyday ways in which communities organise themselves and in which local government operates at the neighbourhood and city scale.

2.3 Theoretical Framework

The theory of public participation emanates from the conceptions of democratic governance. According to Rousseau (1952), the legislative power belongs to the people and can belong to it alone. Rousseau asked the question: what is government? He proceeded to define

government as an intermediate body setup between the subject and the sovereign, to secure mutual correspondence, charged with the execution of laws and the maintenance of liberty, both civil and political. For the state to be properly balanced, there must, when everything is reckoned in, be equality between the product or power of the government taken in itself, and the product or power of the citizens, who are on one hand sovereign and on the other hand is the subject.

Meyer and Richman (2007) argued that in the long run democracy will lose ground if it is understood only as a set of institutions without taking into account civic participation and accountability as well. Mere delegative democracy and a passive citizenship are manifestations of a defective democracy that detracts from the legitimacy of democratic commonwealths. Thus, the democratic state does not wait patiently until the activities of civil society to appear in the desired forms and degree; it can and must be actively encouraged. The enabling and facilitating state must do more than merely lay the legal and institutional groundwork that sustain the positive uses of freedom in civil society. Beyond that, it can undertake a variety supportive measure; not least by channelling its behaviour into more cooperative forms that may help strengthens civil society.

Inherent in Rousseau's (1952) definition of government is that government derives its legislative and executive powers and responsibilities from the citizenry. This delegation is done through a free electoral process. However, the execution of these legislative and executive responsibilities should not preclude the citizenry who is the ultimate beneficiaries of governmental activities. The citizenry retains the right to withdraw such a delegation should the mandated government fail to serve the interests of the citizens. To attain this, there has to be constant engagement between government and the citizenry. In their above contribution, Meyer and Richman implied that the engagement between the elected representatives and the electorate should not be presumed to be automatic but as something that need to be endeavoured for by both the state and the citizens. Moreover, the orientation of both the state and the citizens should be one that views democratic governance as a system that cannot be pursued by either component to the exclusion of the other.

Rousseau (1952), further asserts that the individual's actual as well as his sense of freedom is increased through participation in decision making because it gives him a very real degree of

control over the course of his life and structure of his environment. He further argued that participation should allow an individual to exercise an equitable measure of control over those that execute the laws and over representatives if an indirect system is necessary. He contends that participation should allow individuals to achieve three interrelated yet different objectives. Firstly, participation should enhance the freedom of individuals by enabling them to be their own masters. Secondly, participatory processes should ensure that although no man or group is a master of the other, all are equally dependent on each other and equally subject to the law. Thirdly, participation must fulfil an integrative function in that it develops amongst individuals a feeling that they belong in their community. Thus, participation in decision-making itself is necessary for both the individual and for the whole political system. The experience in participation attaches the individual to his society and is instrumental in developing it into a true community.

2.4 Existing Literature

2.4.1 Public Participation

According to Mill (1999), the only government which can fully satisfy all the exigencies of the social state is one in which the all of the people participate. That participation, even in the smallest public function is useful. Participation everywhere should be as great as the general degree of improvement that the community will allow and nothing less can be ultimately admirable than the admission of all to share the in the sovereign power of the state. But since not every individual cannot, in a community exceeding the size of a single small town, participate personally in all but in some usually minor portions of the public business, it follows that most suitable type of government must be representative government.

Mill (1999) further contends that participation in public affairs would force an individual to widen his horizons and take public interest into account. That is an individual has to weigh interests not his own to be guided in the case of conflicting claims, by another rule than his private interests, to apply at every turn, principles and maxims which have for their reason of existence the common good. He further argues that there is no use having universal suffrage and participation at national government if the individual has not be prepared for this participation at local level, it is at this level that he learns to govern himself. Mill also assert that it is at the local level where the real educative effect of participation occurs, where not

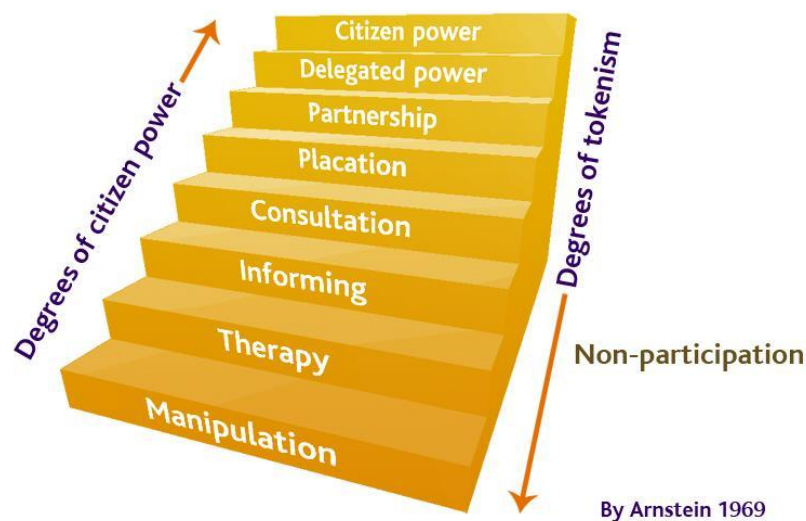
only do the issues dealt with directly affect the individual and his everyday life but also where he stands a good chance of himself being elected to serve on a local body. It is by participating at the local level of government that the individual learns about democracy.

For Pateman (1970), the theory of participatory democracy is built round the central assertion that individuals and their institutions cannot be considered in isolation from one another. The existence of representative institutions at national level is not sufficient for democracy; this representative institutions need to be cascaded to the provincial, district and local levels of government. For maximum participation by all the people, at that level socialisation or social training for democracy must take place, in order that the necessary individual attitudes and psychological qualities can be developed. This development takes place through the process of participation itself. The major function of participation in the theory of participatory democracy is therefore an educative one, educative in the widest sense, including both the psychological aspect and gaining of practice in democratic skills and procedures.

Pateman (1970) further argues that the justification for a democratic system in the participatory theory of democracy rests primarily on the human results that accrue from the participatory process. This participatory model maybe characterised as one where maximum input (participation) is required and where output includes not just policies but also the development of social and political capacities of each individual so that there is feedback from output to input.

Arnstein (1969) asserts that participation can happen at various levels and that the level at which the participation happens largely determine the quality and value of the input made in a given decision-making process. He suggests eight levels of participation that include: manipulation; therapy; informing; consultation; placation; partnership; delegated power and citizen control. He argues that the lowest level of participation is manipulation where the beneficiaries have no influence at all and citizen control as the highest level wherein citizens are at the central stage of decision-making. He further argues that participation is only meaningful when it has reached the level of citizen-control whereby citizens will work in partnership with their elected representatives. Below is a diagrammatic presentation of Arnstein's (1969) categorisation of the different levels of participation complemented by a brief description of each of the levels.

Figure 1: Ladder of Participation from Arnstein (1969)



Box 1 Ladder of participation

Citizen control – People participate by taking initiatives independently of external institutions for resources and technical advice they need, but retain control over how resources are used. An example of citizen control is self-government - where the community makes the decisions.

Delegated power – in this regard government ultimately runs the decision-making process and funds it, but communities are given some delegated powers to make decisions. People participate in joint analysis, development of action plans and formation or strengthening of local institutions. The process involves interdisciplinary methodologies that seek multiple perspectives and make use of systemic and structured learning processes. As groups take over local decisions and determine how available resources are used, so they have a stake in maintaining structures or practices.

Partnership – an example is joint projects- community has considerable influence on the decision making process but the government still takes responsibility for the decision. Participation is seen by external agencies as a means to achieve project goals, especially at reduced costs. People may participate by forming groups to meet predetermined objectives related to the project. Such involvement tends to arise only after external agents have already

made major decisions. Participation may also be for *material incentives* where people participate by contributing resources, for example, labour in return for food, cash or other material incentives.

Placation – the community are asked for advice and token changes are made.

Consultation – community is given information about the project or issue and asked to comment, e.g. through meetings or survey - but their view may not be reflected in the final decision, or feedback given as to why not. External agents define problems and information gathering processes, and so control analysis. Such a consultative process does not concede any share in decision-making.

Informing - Community is told about the project, e.g. through meetings or leaflets; community may be asked, but their opinion may not be taken into account.

Therapy – People participate by being told what has been decided or has already happened. It involves unilateral announcements by an administration or project management without any listening to people's responses.

Manipulation – Participation is simply a pretence, e.g. with "people's" representatives on official boards but who are not elected and have no power, or where the community is selectively told about a project according to an existing agenda. The community's input is only used to further this existing agenda. (Arnstein, 1969)

The forgoing theory of Arnstein reinforces the view that participation is one of the pillars of democratic governance and that governments need to ensure that there is participation from beginning participation in elections, in policy formulation and in policy implementation processes and in service delivery. Thus, it is incumbent upon the democratic state to entrench participatory practices in its bureaucratic machinery. As Heller (2001:136) asserts, democracy requires bureaucracy because participation can never be comprehensive or continuous. Thus, there is a need to develop routines and formalise the process through which participatory inputs are translated into outputs; hence the technical requirement for policies and systems of governance of transparency, accountability, representation and decisional authority.

Whilst democratic states need to entrench participation in their governance practices through their bureaucracies, Oldfield (2008), cautions that over-formalisation of participatory processes and spaces may turn the engagement between local communities and local government to become increasingly procedural and technical (or bureaucratic and clumsy). Whilst this may normalise democratic practices, inherent in it is a possibility of patterns of inclusion and exclusion. Oldfield contends that in some instances, this might manifest as a reduction of space and processes through which communities engage, so that less effort and initiative is taken by the state to go out and get communities to participate and instead the imperative is on communities to come out the state's space and processes. Thus, the formalisation of participatory mechanisms and processes should be formalised bearing in mind the adverse effects if it is overdone. Moreover, such formalisation should not lead to polarised relations between the government and communities.

As opposed to limiting the spaces, public participation should transcend the voting booth exercise to offering everyone especially marginalised groups the opportunity to participate in shaping, influencing and criticising public opinion. It should be an empowering exercise that produces deliberations that shape preferences, moderate self-interest, maintain conditions of equality, enable dialogic empowerment, and produce reasonable justification for majority decisions. This would result in collective ownership of the governance decisions that are made in a democratic State (Chambers, 2002).

Consistent with the character of a democratic state, the post-apartheid South Africa has adopted a system of governance that engenders strong traditions of public participation in the governance of the Republic. Participatory mechanisms have been designed and legislated to enable citizens and communities to collectively engage with the state in order to substantiate democracy. At national and provincial scale, this includes initiatives such as public hearings and possibilities of making written submissions during policy and legislation formulation processes. It is also extended to citizenry self-expression mechanisms such as the rights to vote, protest and express oneself. Local government on the other hand has structures such as Ward Committees, the IDP representative forums, Local AIDS Councils and the municipal council as mechanisms through which the public can participate in the governance of their localities (Oldfield, 2008).

2.4.2 The Role of Civil Society

According to Locke (1996), the only situation whereby anyone divests himself of his natural liberty, and puts on the bonds of civil society, is by agreeing with other men to join and unite into a community for their comfortable, safe a peaceable living amongst another in the peaceful enjoyment of their properties and a greater security against any that is not of it. This any man may do, because it injures not the freedom of the rest, they are left as they were in the liberty of the state of nature

Hegel (1942) understood that civil society plays three roles. The first is the mediation of needs and one man's satisfaction through his work and satisfaction of the needs of the others. Secondly, the actuality of the universal principle of freedom therein contained the protection of property. Thirdly, it is the provision against contingencies still lurking in the systems, and care for particular interests as common interests by means of police and the corporation.

From Locke (1996) and Hegel's (1942) assertions as presented above, civil society represented associations of people who have material interest to protect and thus assumed class manifestations. They would assemble in civil society with the view to ensure that their interests are not infringed upon by either the state or other sections of society that does not share the same interest as theirs. With this self-interest driven orientation, civil society would not necessarily assume humanitarian and advocacy responsibilities that have become characteristic of civil society today. Thus, the current forms of civil society marks a departure from its initial conception that adopted a materialistic view of civil society.

Habermas (1996) introduces an interesting dimension in the efforts to distinguish civil society from other societal forces by drawing a line between civil society and economic sectors implying that the business community is not part of civil society. Thus, civil society should not only enjoy independence and protection from the influences of state but that of the economy as well. Habermas proceeded to propose that civil society's institutional core should be comprised of those nongovernmental and non-economic connections and voluntary associations that anchor the communication structures of the public sphere in the society component of the life world. These voluntary associations emerge spontaneously in the form of associations, organisations, and movements. He expected civil society to be attuned to how societal problems resonate in the private life spheres, distil and transmit such reactions in

amplified form to the public sphere. Thus of civil society could be viewed as a network of associations that institutionalises problem solving discourses on questions of general interest inside the framework of organised public spheres. Those discursive designs have an egalitarian, open form of organisation that mirrors essential features of the kind of communication around which they crystallize and to which they lend continuity and permanence.

Habermas's expectation of the civil society to amplify societal problems is consistent with the view that civil society formations tend to serve as a voice for the voiceless. Habermas also expected civil society to be a network in which individuals could express their views on public affairs with the expectation that this network would communicate their views to the government of the day. It presupposes that civil society will have the capacity in the form of both material resources and technical knowhow of playing these significant roles. In the South African context, civil society and particularly the NGOs and CBOs, this has proven this not always to be the case. Instead, these organisations would have all the other ingredients except for material resources since they are largely dependent on donor funding. Consequently, these organisations might be free from government and economic influences but may to be completely liberated from donor influence.

This voluntary association should be underpinned by three key principles namely: *voluntarism*, allowing relative ease of entry and exit and must be based on the normative principle of freedom of association; *equality*, the organisational structure reflects a horizontal as opposed to hierarchical pattern of relations amongst its members; and *proceduralism*, there has to be established rules that regulates discussion and voting (Cohen and Arato, 1994). Whilst these principles are a valuable contribution towards the development of a value system for civil society, they may prove challenging to implement in modern civil society especially the kind of civil society on which this study focuses.

This is because, firstly, whilst these organisations may begin as small and voluntary structures, however they tend to evolve into formalised organisations wherein members are turned into employees, whom upon the organisation's inability to meet their salary expectations would leave the organisation. Secondly, the employee status has intrinsic contractual obligations that may prove limiting to the ease of entry and exit of members/employees. Thirdly, the evolution of organisations into becoming an employer

instead of voluntary organisation diminishes possibilities of horizontal relations amongst members of the organisation given the inherent chain of command that is characteristic of employer organisations. Finally, the procedures will become more complex and transcends regulatory parameters beyond discussions and voting.

Robinson and Friedman (2005) contend that the liberal conception, which dominates contemporary scholarship and policy debate, suggests that civil society provides a vehicle through which citizens can pursue common goals, participate and influence public affairs, and practice democratic values of tolerance, consensus building and free and open debate. Kaviraj and Khilnani (2001) characterises of civil society as an aggregation of voluntary associations as “beyond the family but short of the state”. They argue that civil society was characterised by individuals striving for the fulfilment of their personal needs, and resulted in tension and conflict. In their view civil society was not merely in search of needs, but rather in search of recognition. This view is further elucidated by Keane (1998), who characterised civil society as an ensemble of legally protected non-governmental institutions that tend to be non-violent, self-organising, self-reflexive, and permanently in tension with each other and with state institutions that frame, constrict and enable their activities.

From the above characterisation, four important attributes of civil society can be inferred. Firstly, it is clear that whilst civil society is deemed to be apolitical, they have interest in the outcomes of political processes such as public policy and government priorities. As such, it can be argued that whilst civil society may not contest political spaces, they would contest what politicians do especially if their (politicians) actions or decisions are viewed to be of a threat to the existence or constrictive of the activities civil society. Such a contestation could be during the policy formulation or implementation stage or a combination of both. Secondly, it views civil society to be goal-oriented and thus sets out to achieve certain goals. The context in which civil society pursue such a mission could be either that the state is incapable of meeting them or even worse the state agenda is in itself a threat to such goals or interest. In which case, civil society would define its role as that of championing and defending them.

Thirdly, civil society is not a homogeneous sector and thus there exist tendencies of conflict and contestation amongst its various segments. Such conflict can arise from competition for space, influence and recognition, resources as well as ideals. Given its heterogeneous nature, civil society should afford its members or constituents communicative autonomy wherein

they (members or constituents) have the freedom to shape, criticize and reproduce essential norms, meanings, values and identities through communicative interactions. It must acknowledge that communicative autonomy is linked to individual autonomy in that the former is a precondition for the latter. Furthermore, it must accept that individuals do not develop life plans in isolation but rather in interaction with others in society (Chambers, 2002)

Fourthly, the orientation and purpose of existence of civil society in a given context is largely shaped by the prevalent governance system; the manner in which state institutions perceive and relate to them. The state and state institutions have the ability restrain or enable the existence of civil society and the kind of roles they play and responsibilities they assume. This is captured succinctly by Foley and Edwards in Chambers (2002) who suggested that in instances where the state is unresponsive, its institutions are undemocratic, or its democracy is ill designed to recognise and respond to citizen's demands, the character of collective action will be decidedly different than under a strong and democratic system. They argued that in instances where the state is either unresponsive or undemocratic citizens will find their efforts to organise for civil ends frustrated by state and at times repressed or ignored. Under such circumstances aggressive forms of civil association will spring up and more and more ordinary citizens will be driven into active militancy against the state or self-protective apathy.

2.4.3 Civil Society Participation in Local Governance

According to Swilling *et al.*, (2004), South Africa's civil society can be characterized as one of those that plays both a service and an expressive role. The service role is represented by those organisations that are involved in the provision of education, social services, health, and development/housing. The environment in which they play this role is referred to as a 'corporatist regime' where there is a combination of extensive state social expenditure and partnership with NGOs, in which case NGOs are conduits for services. The expressive role of civil society is manifest in 'statist regime', where there are low levels of state support for social development at one hand and without concomitant to developing the NGO sector that can substitute the role of state in providing social development on the other hand. In which

case, civil society provides a voice for the poor in relation to development and repressive tendencies of the state (Swilling *et al.*, 2004; Swilling & Russell, 2004).

Swilling *et al.*, (2004) made a significant contribution towards situating the role of civil society in development and defining such a role in relation to the type of the prevalent regime and its role in development thereof. Their contribution has resonance in the role of civil society in the apartheid and post-apartheid South Africa. However, it is worth noting though that firstly, most black civil society organisations played a combination of both service and expressive roles. The service role was played through international donor funding as opposed to state social development funds or programmes wherein NGOs contributed in programmes such as adult education. Secondly, even in the post-apartheid South Africa, where there is extensive state expenditure on social development, civil society continues to play a combination of both service and expressive roles with an exception of a few playing a combination of such roles.

Like most democratizing nations, the South African government has since embraced the view that civil society has a critical role to play in the new dispensation. The question could be asked which role the South African government expects of civil society in the new South Africa. Swilling and Russell (2004) cited the Minister of Social Development articulating the role of civil society as follows:

The basic twin expectations of government are that NGOs will firstly, continue to act as monitors of public good and safeguard the interests of the disadvantaged sections of society. The performance of this social watch role requires both transparency and accountability on the part of NGOs. The government's second expectation is that NGOs will assist in expanding access to social and economic services that create jobs and eradicate poverty among the poorest of the poor (Swilling & Russell, 2002:p4-5).

This extract implies that the government expects civil society to be a watchdog, on one hand, and serve as an agency that complements its efforts in the provision of services especially to the poorest sections of South Africa's population on the other. This is indeed a significant role for civil society formations to play. However, it narrows the civil society scope to a service role at the negation of an expressive role played by civil society in relation to government policies and programmes. Furthermore, it negates the fact that civil society is

complex and differentiated in its nature, and at times it can be confrontational and ‘uncivil’; and at others cooperative and collaborative. Moreover, it suggests that civil society should only engage with policy only at the implementation stages and not the actual formulation. Such a practice would pose serious challenges on the democratic nature of policy formulation and renders the legitimacy of government’s policy choices questionable (Oldfield, 2008).

The above is corroborated by Taljaard (2009) who makes a compelling argument for civil society to play three related roles in the post-apartheid South Africa. Firstly, it must contribute to policy discourse as the country grapples with much slower economic growth and responses, human capital formation through social investment. Secondly, it must play a watchdog and oversight role, in assisting parliament, and government by being the eyes and ears of the people. Thirdly, it must be present on the ground to ensure that the crucial feedback loop that is often missing in public life in the context a dysfunctional electoral system continues to ensure that the policy and practise are closely aligned in pursuit of meaningful change.

Whilst Taljaard’s (2009) contribution advocates the active involvement of civil society in governance, it narrows this contribution to national governance to the negation of local government. It limits the importance of civil society participation to national policies and relegates the role of civil society to serving as conduits of information to grassroots structures and communities. In view of the fact that the current system of local governance in South Africa is expected to be developmental in nature, it is important that civil society actively participate in municipal governance much as they would participate on national and provincial levels.

In their assessment of the role of civil society in policy formulation processes, Rapoo and Kihato (1999) established that there appears to be disinterest amongst civil society organisations in participating in municipal governance or policy making. Their interactions with civil society organisations lead them to the following conclusion:

The initial conceptions of local governments after the 1994 election was that they perform primarily an implementation function vis-à-vis development and the RDP. ... they were intended to be the ‘arms and legs’ of the RDP, the head was deemed to reside elsewhere (Rapoo and Kihato, 1999:p37).

The above analogy uses the RDP as a foundation for South Africa's system of local governance and thus uses the role envisaged for local government in the RDP as a yardstick for measuring civil society participation in policy making. Such analogy overlooks governance, planning and service delivery responsibilities that municipalities have in their areas of jurisdictions. It further downplays the policy implications embedded in municipal integrated development planning, local economic development strategies and indigent policies. Moreover, it narrowly attaches the value of participation only to policy formulation at the neglect of other governance practices such as accountability and transparency. To use Robinson and Friedman's words:

The contribution of civil society organisations is not limited to their capacity to influence public policy; they also foster a voice and participation, which in turn are functions of internal governance practices. Their capacity to offer citizens a say in decisions and to enhance pluralism may be as important as their ability to influence policy and demand accountability (Robinson and Friedman, 2005: p iii).

As indicated earlier in this report, one of the governance functions that are expected of municipalities is to provide democratic and accountable governance to local communities and ensure their involvement in municipal decision making. Civil society can play a critical role in assisting municipalities fulfil this important mandate. In Plummer's view:

The role of NGOs in building municipal capacity for community participation will depend on the capacity, skills and agenda of both the municipality and the NGO sector in a given context. Commonly however, the attitudes and skills needed for promoting community participation are more prevalent amongst NGOs than government and this creates opportunities for municipal-NGO alliance (Plummer, 2000: p75).

Plummer views the role of civil society in community participation in municipal processes in terms of them (civil society) enhancing the institutional capacity of municipality to promote community participation. Indeed civil society can make such contributions; however, they can do much more than that. Firstly, civil society can serve as platforms for community

participation precisely because they themselves represent certain interests within the municipal area and their contribution in municipal decision making translates into community participation. Secondly, civil society formations may breathe life into the rather dormant municipal participatory forums such as IDP, LED representative forums as well as Local AIDS Council. Thirdly, most civil society organisations are involved in civic or citizen educational activities of some sorts. Through these educational activities, civil society can contribute in cautioning citizens about the importance of participating in municipal processes.

2.5 Conclusion

From the existing literature, the importance of civil society in promoting democratic governance practices at all levels of government and especially in local governance cannot be disputed. In the case of South Africa, where the sphere of local government has been entrusted with the responsibility of promoting developmental, participatory and accountable governance, the role of civil society is even more critical. Furthermore, the literature does emphasise the importance of civil society contribution local governance at both the expressive and service levels. It is also evident whilst a democratic environment might prevail and create formalised spaces for participation; it remains a challenge and responsibility for civil society to seize the existent opportunities to participate. Moreover, the ability to of civil society to be attuned to how societal problems resonate in the private life spheres, distil and transmit such reactions in amplified form to the public sphere within the context of local governance is critical.

This study examines whether civil society plays these roles in municipal governance in South Africa with a specific focus on Mbombela local municipality, in Mpumalanga province, South Africa. It assesses the mechanisms that are existent for organs of civil society to participate in municipal processes; and the nature and form of their participation in the Mbombela municipal governance.

CHAPTER 3: RESEARCH METHODOLOGY

3.1 Introduction

This chapter presents the research methodology used in this study. A detailed account on how the research was conducted and specifically addresses the overall research approach selected, research design and the related aspects on data collection and data analysis is presented.

3.2 Research Approach

This research was exploratory in nature and the outcomes provide an interpretation of the current trends on the involvement of civil society organisations in municipal process in Mbombela municipality and thus fall within qualitative research paradigm. According to Merriam (2002), qualitative research is about understanding situations in their uniqueness as part of the particular context and the interactions there. Merriam proceeds to say that the outcomes of the study provide descriptions of context and the participants involved. Words and pictures rather than numbers are used to convey what the researcher has learned about the phenomenon. When conducting the study, the approaches used to collect data; and the kind of data collected took cognizance of the context within which both Mbombela Municipality and civil society operate. There was consideration to and interpretation of how this context influences their current levels of engagement with one another.

Within the qualitative research paradigm, there exists a variety of approaches to conducting the study. The approaches includes: basic interpretive, phenomenology, grounded theory and case study. This study has employed the basic interpretive quality study. In this approach the researcher's focus and interest was to comprehend how participants made meaning of a situation or, phenomenon employing a research instrument to mediate meaning from the outcome of which is descriptive (Merriam, 2002). Thus, the researcher sought to understand how both the municipal officials that are responsible for public participation in the Mbombela Municipality as well as civil society organisation viewed the current state of civil society organisations in municipal processes; the contextual factors that influences the current state of participation; and the implications thereof.

3.3 Research Design

Blanche (2008) defines research design as strategic framework for action that serves as a bridge between research questions and the execution or implementation of the research. It is a plan that guides the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to the research with economy in procedure. It is the designed and planned nature of observation that distinguishes research from other observations.

According to Thye's study (De Vos, 1998) research design is a blueprint or detailed plan of how a research study is to be conducted. This plan offers the framework according to which data is to be collected, analyzed and presented. According to Grinnell (1993) three important factors are to be considered when selecting a research design, namely:

1. the purpose of research,
2. how much knowledge about the problem is available, and
3. The mode of observation the researcher intends using based on the above mentioned issues.

Grinnell (1998) goes on to state that further research objectives can be specified on a continuum of knowledge that has four distinct levels, namely:

1. Hypothetical developmental where the researcher may seek to describe social phenomena in a qualitative manner for the purpose of generating more specific research questions or hypothesis.
2. Quantitative-descriptive knowledge which consists of a quantitative data that answers simple, descriptive questions. It may be specific to a particular community, organization, family or client or it may be generalized.
3. Associational knowledge which is the kind of knowledge that contributes to the development, refutation, and expansion of theories about social phenomenon.
4. Cause-effect knowledge which is the highest level of knowledge that can be produced by social scientists. It specifies that changes in the independent variables are directly responsible for changes in the dependent variable.

3.4 Sampling

Bless and Higson-Smith (1995) defines a sample as “the subject of the whole population which is actually investigated by a researcher and whose characteristics will be generalized to the entire population”. This study utilizes purposive sampling which is referred to by Walker (1989) as a process where small numbers of people with specific characteristics, behaviour or experience are selected to facilitate broad comparisons between certain groups that the researcher thinks likely to be important.

According to Rubin and Babbie (2005), purposive sampling is selected based on the purpose of the study. This study adopted purposive sampling in order to focus on people with most of the information. As established in chapter two of this report, civil society embraces an array of formations. Purposive sampling enabled the study to focus on specific segments of civil society as well as municipal officials in Mbombela Municipality. This is consistent with the Seaberg’s study (Grinnell 1998) which defines population as the totality of persons, events, organisational units, case, records or other sampling units with which the research problem is concerned.

Qualitative research approach uses interviews, observations and document analysis as the main means for gathering the necessary data. A combination of interviews and document analysis was used as means for collecting data in this study. Interviews are conducted in three ways: structured; semi-structured and unstructured. Semi-structured interviews were conducted with both civil society organisations and municipal officials. The Mbombela municipal documentation that relates to public participation such as guidelines for public participation; Ward Committee guidelines; and registries of persons/organisations that forms part of municipal representative forums such as IDP and LED, Local Aids Council. Additionally, interviews were held with manager of the public participation unit, office of the Speaker and office of the Executive Mayor of Mbombela Municipality. Furthermore, focused group interviews were conducted with CSOs within Mbombela Municipality. The sample covered the following:

3.3.1 The Public Participation Unit

This Unit is entrusted with the responsibility to ensure public participation in all municipal processes. Thus, all municipal divisions that seek to solicit public input in their programmes decision making processes do that with the support of this Unit.

3.3.2 Integrated Development Planning (IDP) Department

This department is responsible for overseeing the development and implementation of the municipality's integrated development plan which in turn serves as a blueprint for the municipality action plan over a five year period. The development of an integrated development plan is a consultative one and all stakeholder within the municipal jurisdiction need to be engaged through the IDP representative forum.

3.3.3 Local Economic Development (LED) Division

This division is responsible for overseeing the development and implementation of a local economic development strategy for the municipality. The development of this strategy is expected to be a consultative one wherein all interested parties within the municipality are engaged through the LED representative forum.

3.3.4 AIDS Coordination or Transversal Desk

This section is responsible for overseeing the development and implementation of a municipal response to HIV and AIDS. It is expected that the desk would establish and coordinate a Local AIDS Council for the municipality. The Local AIDS Council should be a representative forum wherein all interested parties work with the municipality in the development and implementation of its response to HIV and AIDS related matters.

In all the aforementioned divisions, senior managers were interviewed in person and where necessary additional information was obtained from them telephonically. For purposes of anonymity, the actual names of the respondents from both civil society organisations and the municipality are not mentioned in this report.

3.5 Data Collection

For the purpose of this study, both primary and secondary data was collected using both interviews and document analysis. The interviewees and the selected documents were purposefully selected based on their involvement and relevance in public and civil society participation from both the civil society and the municipality.

3.4.1 Primary Data

Primary data was sourced from both municipality and civil society organisations.

Municipality: semi-structured interviews were conducted with one senior municipal official from the department/directorate responsible for public participation, integrated development planning and local economic development. Semi-structured interviews were also held with Speaker as the political office responsible for public participation in municipalities. The interviews solicited information about municipal efforts in promoting civil society participation in municipal decision making and outcomes thereof, as well as their perceptions about civil society participation in municipal processes.

Civil society: semi-structured interviews were conducted with directors/leaders of at least five active NGOs or CBOs within Mbombela Municipality. These organisations were selected randomly taking into consideration the various sectors that NGOs and CBOs in Mbombela that are involved in such as health and education. In addition, a focus group interviews involving between six organisations were held with representatives of the organisations in Mbombela, and those whose leaders participated in the semi-structured interviews were excluded from the focused group interviews. The interviews solicited information about civil society efforts in participating in municipal decision making and outcomes thereof, as well as their perceptions about civil society participation in municipal processes.

3.4.2 Secondary Data

The secondary data was sourced mainly from municipal documentation especially municipal policies, by-laws and council resolutions pertinent for public participation in municipal processes and an assessment on how they promote or inhibit civil society participation in municipal processes was done. This documentation was also reviewed against national and Mpumalanga provincial policy and legislative provisions on public participation.

3.6 Data Analysis and Interpretation

Merriam S.B (2009) defines data analysis as a process of making sense out of the data. Making sense of the data involves consolidating, reducing and interpreting what people have said and what the researcher has seen and read, it is the process of making meaning. It involves moving back and forth between concrete bits of data and abstract concepts, between inductive and deductive reasoning, between description and interpretation. These meanings or understandings constitute the findings of the study. Findings can be in the form of organised descriptive accounts, themes, or categories that cut across the data, or in the form of models and theories that explain the data.

According to Kerling's study (in De Vos, 1998) analysis means categorizing, ordering, manipulating and summarizing the data to obtain answers to the research questions. Its purpose is to reduce data to an intelligible and interpretable form so that the relations of research problems can be studied and tested and conclusions can be drawn.

According to Walker (1989), the analysis of qualitative data is a process of making sense, of finding and making structure in the data and giving this meaning and significance for ourselves, and for any relevant audiences.

This stage in a research process involves making sense of the data that was gathered during data collection. It involved preparing the data for analysis, analysing the data, gaining a deeper understanding of the issues, representing the data and making an interpretation of the larger meaning of the data. The information gathered from respondents was organised in such a way that the relationship between the current municipal context pertaining public

participation and the levels of civil society participation in the Mbombela municipal governance processes was established.

The data that was collected through semi-structured interviews as well as focused group interviews was examined, organised, combined and categorised with the view of addressing the initial study questions. The analysis was largely based on the theoretical framework that underpinned the study.

3.7 Data Management

Often data collection will result in large volumes of data being collected for the research and it requires careful management in order to ensure that only the relevant data end up in the research report. As a result, researchers need to embark on a careful data reduction exercise. According to Ritchie and Lewis (2003) there are three essential requirements for ensuring that the essence of the original material is retained. Firstly, key terms, phrases and or expressions should be retained as much as possible from the participant's own language. Secondly, interpretation should be kept to a minimum at this stage so that there is always an opportunity to revisit the original expression as the more refined levels of analysis occur. Thirdly, material should not be dismissed as irrelevant because its inclusion is not immediately clear. It may well be that issues that make little sense at this stage of analysis become vital clues in the later interpretative stages of analysis.

3.8 Approach to Group Analysis

In this study, group based analysis as opposed to individual participant based analysis approach to analysing data that was generated from the focused group interviews is applied. There are two main ways in which group data can be analysed that is whole group analysis and participant based analysis. Group based analysis treats data generated by a group as a whole without delineating individual contributions. The group therefore becomes a unit of analysis and is treated the same way as a unit of individual data. Additional information in the form of notes about group interactions or the balance of individual contribution maybe added to the data as part of the evidence. On the other hand participant-based analysis analyses contributions of individual participants separately within the context of the

discussion as a whole. This allows the information of each participant to be retained and for interactions between individual members to be noted as part of the recording of the group dynamic (Ritchie and Lewis, 2003).

3.9 Generalisation

According to Hammersly (1992), generalisation is often discussed in linked but rather different context that is theoretical and empirical generalisation. Empirical generalisation concerns the application of findings from qualitative research studies to populations or settings beyond the particular sample of the study. It is also referred to as transferability or external validity. The nature of the receiving context to which findings are applied varied to include the wider population from which the sample is drawn, other population, or settings or treatments outside the precise subject of study. Theory building on the other hand involves the generation of theoretical concepts or propositions which are deemed to be wider or even universal in application. Conclusions are drawn from features or constructs developed in a local single study which are then utilised in developing wider theory.

Ritchie and Lewis (2003), proposed three linked but separate conceptions of generalisation. Firstly, the question of whether what is found in a research sample can be generalised to, or held to be equally true of the parent population from which the sample is drawn. Secondly, inferential generation, the question of whether the finding from a particular study can be generalised or inferred to other settings or contexts beyond the sampled one. Thirdly, theoretical generalisation draws theoretical propositions, principles or statements from the findings of a study for more general application.

The focus for the study was Mbombela Municipality and the findings are largely limited to Mbombela. This would be most applicable in aspects such as institutional readiness and the forums that the municipality has set in place. However, the findings can also be generalised to the sphere of local governance as a whole given that most municipalities are almost at the same level and the organisational development challenges that they are faced with are almost similar. Most importantly, public participation is one area that most municipalities throughout South Africa are struggling to deal with effectively.

3.10 Challenges Encountered During the Study

The overall challenge encountered during this research was the consistent unavailability of municipal officials at requested times, which necessitated more trips to the municipality more than initially planned. In certain instances, the researcher had to resort to telephonic interviews (three telephonic interviews) seeing that conducting face to face interviews was proving to be difficult. In some instances, one had to substitute politicians with administrative staff for example, when conducting the study challenges were encountered in accessing the Executive Mayor and the Speaker of Council and in both instances senior administrators in those offices were interviewed. Whilst this might have deprived the study of the political perspective on civil participation in the Local AIDS Council, the interviewed municipal official provided sufficing information on the intricacies surrounding civil society participation in the Local AIDS Council. The effect of these challenges has been negative on the research schedule and one had to adjust it accordingly.

CHAPTER 4: DATA PRESENTATION

4.1 Introduction

This chapter presents the data obtained from respondents. Since this study utilized qualitative research techniques, the data presented in this section was obtained through a combination of focus group interviews. Focus group interviews were held with representatives of CSOs within Mbombela municipality. The focus group interviews were complemented by interviews with leaders of CSOs as well as municipal officials. The CSOs that were sampled are those that whose work forms part of the municipal mandate for they are the ones who are likely to be affected by municipal decisions and were therefore likely to take interest in the kind of decisions that the municipality may make. These CSOs were involved in health related work such as home-based care-giving, small income generating initiatives such as small-scale farming and community development work. The municipal officials are located in municipal divisions that are required to ensure public participation in their decision making processes. The municipal divisions that were sampled were:

4.1.1 The Public Participation Unit

This Unit is entrusted with the responsibility to ensure public participation in all municipal processes. Thus, all municipal divisions that seek to solicit public input in their programmes decision making processes do so with the support of this Unit.

4.1.2 Integrated Development Planning (IDP) Department

This department is responsible for overseeing the development and implementation of the municipality's integrated development plan which in turn serves as a blueprint for the municipality action plan over a five-year period. The development of an integrated development plan was a consultative one and all stakeholder within the municipal jurisdiction needs to be engaged through the IDP representative forum.

4.1.3 Local Economic Development (LED) Division

This division is responsible for overseeing the development and implementation of a local economic development strategy for the municipality. The development of this strategy is expected to be a consultative one wherein all interested parties within the municipality are engaged through the LED representative forum.

4.1.4 AIDS Coordination or Transversal Desk

This section is responsible for overseeing the development and implementation of a municipal response to HIV and AIDS. It is expected that the desk would establish and coordinate a Local AIDS Council for the municipality. The Local AIDS Council should be a representative forum wherein all interested parties work with the municipality in the development and implementation of its response to HIV and AIDS related matters.

In all of the aforementioned divisions, senior managers were interviewed in person and where necessary additional information was obtained from them telephonically. For purposes of anonymity, the actual names of the respondents from both civil society organisations and the municipality are not mentioned in this report.

4.2 The Mbombela Municipality

4.2.1 Background

As a way of situating the context in which the study was located, a brief synopsis on both the municipality and civil society is provided below. Mbombela Municipality is one of local municipalities in Ehlanzeni District Municipality, Mpumalanga Province, South Africa. It is one of South Africa's category B (local) municipalities as per the categorisation of Municipal Structures Act (RSA, 1999), meaning that it shares its legislative and executive powers with Ehlanzeni District Municipality. It covers the territory of the city of Nelspruit and the surrounds which includes towns such as White River and Hazyview. It is also constituted by township settlements such as Likazi and rural settings such as Kabokweni. The population is estimated at 1.5 million people, it is regarded as one of the fastest growing municipality both in terms of population size and economic activity in SA.

The municipality has benefitted from one of the pilot sites for various national local governance enhancement programmes. Some of the national programmes that have been piloted in the Mbombela Municipality are the Community Based Planning (CBP) that was championed by the then Department of Provincial and Local Government (DPLG) and known as Cooperative Governance and Traditional Affairs (COGTA); the Good Governance Survey that was conducted by Afesis-Corplan (a governance and development non-governmental organisation) in partnership with the German Development Corporation and the DPLG. Whilst the focus of these national pilots was not limited to public participation, various components of these addressed public participation matters either through the form of institutional assessment or by seeking to inculcate a culture of participatory governance.

Community Based Planning (CBP) endeavoured to promote community and or ward-based development planning wherein communities were meant to form the nucleus of municipal development planning. In this case, participatory mechanisms and processes would be set in place at ward level under the stewardship of Ward Committees. This would serve as a platform where residents and interest groups would shape the municipal developmental agenda. It was expected that in the pilot process, the municipality would have had a sound public participatory culture and infrastructure. On the other hand, the Good Governance Survey assessed the current state of good governance in the Ehlanzeni District and all its local municipalities (which included Mbombela). Public participation was one of the areas on which all the municipalities were assessed. It also provided useful insights on how the various municipalities could improve on their governance practice.

4.2.2 Civil Society Organisations in Mbombela Municipality

There is a wide range of civil society organisations that operate within the Mbombela municipal jurisdiction. These range from small scale community organisations national non-governmental organisations that have based their provincial offices in Nelspruit; and provincially based organisations. The community based organisations are largely focused on health related matters largely with a specific focus on HIV/AIDS related matters. These would range from awareness raising initiatives to the provision of home based care to people who are infected with or affected by HIV/AIDS.

Additionally, there are organisations/projects that are involved in small-scale income generating initiatives. These include, and are not limited to, small scale farming, poultry farming and sewing. It was these community-based organisations that tended to take keen interest in municipal activities given that firstly, municipal decisions and service delivery agenda have a direct bearing on their work as civil society formations. Secondly, it is because individuals who run these organisations reside within the municipality. Most of the people who constitute these organisations are volunteers who, at best, receive stipends to cover their travel costs. In certain instances some of these organisations are unfunded and therefore cannot provide the volunteers with stipends.

There are also provincially based organisations that seek to respond to provincial socio-economic issues such performing arts, land reform and paralegal services whose main offices are based in the provincial capital, Nelspruit. There are also national organisations that implement programmes in all South Africa's nine provinces and would only use Nelspruit as a host of their provincial office. Both the national and provincially based organisations focus on the entire province and most of the issues that they deal with do not necessarily form part of municipal mandates. Moreover, they attract paid professionals, most of whom do not residence within the Mbombela Municipality. Due to both the nature and focus of these organisations as well as the orientation of their employees, the engagement with the governance and development discourse of the Mbombela Municipality is often remotely relevant to them. In isolated cases, they (especially provincially based organisations) engage with provincial process or with initiatives that are set-up by the provincial government.

In view of the above, it can be observed that apart from its internal struggle, the Mbombela Municipality has been exposed to fairly rigorous processes that were aimed at promoting participatory governance practices in its jurisdiction. Secondly, there exist a sizeable number of civil society organisations that could be keen to engage in the governance and development discourse of the municipality depending on their area of focus or interest.

In this section, the findings of the study are presented based on the following research questions:

1. How does the municipality provide for the participation of civil society formations in its processes? This question was intended at establishing the existence of platforms

for public participation in the Mbombela Municipality. It also intended to establish the representation of civil society organisations in those public participatory forums and whether there were participatory forums that were specifically dedicated at CSOs.

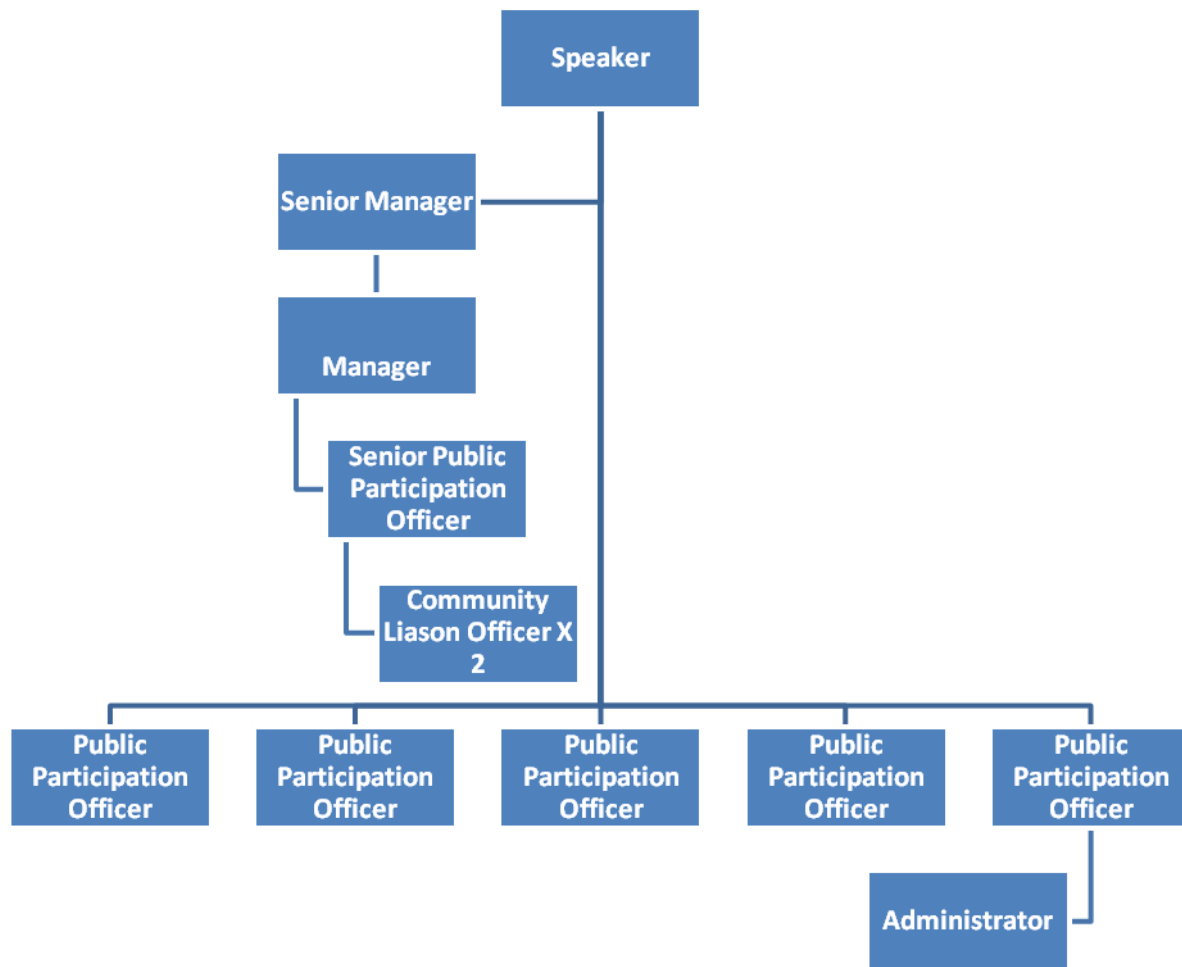
2. What are the current levels of civil society participation in municipal governance? This question was aimed at discovering the current levels at which CSOs were participating at municipal processes. It was intended at establishing the municipal processes in which CSOs participated and their level of influence in these processes.

3. What are the factors that promote/inhibit civil society participation in municipal governance? This question was intended at unearthing those factors that might have been promoting or militating against participatory practices in the Mbombela Municipality. In approaching this question, practices of both the municipality and CSOs were taken into consideration.

4.3 Space for Civil Society Participation in Mbombela

The Mbombela local municipality has a functional Public Participation Unit which is located in the Office of the Speaker of Council. The Unit has a staff complement that has various responsibilities that are aimed at promoting municipal wide public participation. It is organisationally structured as follows:

Figure 2: Organisational structure of Mbombela municipality (Mbombela Municipal Integrated Development Plan 2009/2010)



From the above organisational chart, it can be deduced that the Mbombela public participation unit is well-resourced in terms of human capacity. It has a dedicated political head in the form of the Speaker who provides political direction and guidance to the unit to ensure that it delivers on the mandate of the municipal council. The senior manager ensures that the municipal vision for public participation is implemented by the unit. A manager and support staff who ensures that the public participation responsibilities of the unit are carried out accordingly. This unit is responsible for the overall public participation in municipal processes. However, several sections of the municipality initiate their own public participation processes with guidance of the public participation unit.

In responding to this question, respondents presented Ward Committees, integrated development planning representative forum, local economic development forum, and Local AIDS Council.

4.3.1. Ward Committees

Ward Committee members are elected for a two year term (the term of office of the current Ward Committees expired on December 2009). A Ward Committee serves as a representative structure for all residents and interest groups in the ward and is chaired by the ward councillor. These committees are established in line with the provisions of the Municipal Structures Act (1999) which provide that when establishing Ward Committees, municipalities should take into consideration the diverse interests within the ward and thus ensuring that there is equitable representation of both interest groups and gender. Thus, when deciding on the electoral process of Ward Committees, the municipality would need to ensure that the process promotes the equitable representation of both the diverse interest groups and gender groups within each ward.

Whilst the electoral process is meant to be representative of individuals and interest groups (civil society formations included), the Mbombela electoral process does not allow for interest group representation. Instead it promotes area or zonal representation wherein individuals are elected into Ward Committees to represent a particular geographic area as opposed to representing an interest group or socio-economic sector. In instances where members of a CSOs form part of Ward Committees, it would be due to their activism in either development or political processes in their areas of residence as opposed to being representatives of CSOs. Thus, there is no provision for CSOs having specific participation for the Ward Committee system in the Mbombela Municipality. This is in direct contradiction with the provisions of the Municipal Structures Act (1998) which provide for the inclusion of interest groups in the establishment of Ward Committees.

4.3.2 Integrated Development Planning (IDP) Representative Forum

Integrated development planning (IDP) is the most critical planning processes in a municipality. The product of this process becomes a blueprint for municipal development during the five-year term of the incumbent council. Thus, the IDP formulation process is a

contested terrain wherein all interest groups in a municipality seek to influence the outcome of the final product. The IDP representative forum is set in place by municipalities in order to ensure that all the diverse groups, CSOs included are afforded a space to raise their issues for inclusion in the IDP. Apart from interest groups, representatives of other government departments (provincial and national) are key stakeholders in the IDP representative forums. This is meant to ensure synchronisation of planning across the three spheres of government.

In the case of Mbombela, the IDP representative forum is only composed of government sector departments at the exclusion of other municipal based structures such as CSOs and local businesses. The municipality has opted for an inward-looking approach to the formation of this forum and thus limits its composition to government agencies. As a result, CSOs have neither direct representation nor participation in the Mbombela IDP representative forum.

4.3.3 Local Economic Development (LED) Representative Forum

The Constitution of the Republic South Africa (1996) assigns the facilitation of the development of local economies to local government. Each municipality is expected to generate strategies for the development of their economies. Given that the municipality's role is largely a facilitative one; municipalities have to ensure that there is active stakeholder engagement in both the formulation and implementation of the LED strategy. When identifying such stakeholders, consideration must be made for the drivers of the development of the local economy, the beneficiaries and those that might be affected both positively and adversely by the vehicle that the municipality select for driving local economic development.

In the case of Mbombela, the LED representative forum is currently non-existent. The now-defunct Mbombela Business Forum (which served as the LED representative forum), dissolved in 2007 and it was only made up of representatives of big business such as National African Federated Chamber of Commerce and Industry (NAFCOC) and the Lowveld Chamber of Business and Tourism. There was no representation of local small business or civil society formations. According to the respondents, the dissolution of the forum was owed to its non-functioning on one hand and the inability of the municipality to coordinate it. A manager for LED has since been employed and the process is underway to establish the LED forum. However, it could not be established during this study as to when the forum will be established, its composition nor the process to be followed in its establishment. Moreover,

it could not be ascertained from a respondent municipal official as to whether CSOs will be regarded as primary stakeholders to be represented in the LED forum. Thus, deliberate efforts would be made to ensure civil society representation.

4.3.4 Local AIDS Council

Local AIDS Councils are established in municipalities as one of the government-wide endeavours to develop a holistic approach to government's response to HIV/AIDS related challenges. These councils are meant to bring together all relevant interested groupings within the municipality to jointly develop a municipal response to HIV/AIDS. Typically, the stakeholders in the AIDS council would be relevant municipal officials, CSOs in the field of health, and other locally based structures that deal with either health or HIV/AIDS related matters.

The interviews with both municipal officials and CSOs established that a Local AIDS Council existed in Mbombela until September 2008 wherein CSOs were represented. However, due to internal coordination challenges within the Mbombela municipal institution, the council became defunct and has since been dissolved. Both the respondents from the CSOs and municipal officials alluded to the absence of a fulltime HIV/AIDS Coordinator and a Unit within the municipality as the major cause for dysfunctioning of the Local AIDS Council.

The Local AIDS Council was the only forum that had a fair representation of civil society wherein NGOs that are involved in HIV& AIDS related services such as home based care and awareness raising were regarded as key stakeholders. CSOs played an active role in assisting the municipality to define its contribution in response to the developmental and governance challenges posed by the AIDS pandemic.

4.4 Current Levels of Civil Society Organisation's Participation in Mbombela

Respondents from both CSOs and municipality characterised the level of civil society participation in municipal processes from minimal to close to non-existent. This largely owes

to the fact that in the four participatory structures that the municipality has identified as the key platforms for public participation in municipal processes (i.e. Ward Committees, IDP and LED representative forums, and the Local AIDS Council). Only the Local AIDS Council has proven representation of civil society organisations. Moreover, it is only in the Local AIDS Council that CSOs were viewed as one of the key stakeholders.

The Mbombela Ward Committees, the IDP and LED representative forums in their current conceptualisation and election processes do not reflect the representation and participation of CSOs in the Mbombela as being a priority in the establishment and functioning of these forums. As a result, CSOs are not directly represented in these three forums.

Bearing in mind that the Local AIDS Council is now non-existent, the participation of civil society in Mbombela municipal processes was non-existent at the time of the study. It would be after the re-establishment of Local AIDS Council that there may be a certain level of participation. It could not be established for certain at the time of the study as to whether the establishment of the IDP and LED representative forums will ensure the direct representation of CSOs despite an explicit expression by both CSOs and municipal officials of the need for CSOs to be represented in both forums.

4.5 Factors That Promote / Inhibit Civil Society Participation in Governance of Mbombela

Given the current low levels of civil society participation in the Mbombela municipal governance, respondents could not identify any factor that could be promoting civil society participation in the governance of the municipality. Thus, respondents offered their views on factors that they deem responsible for the current low levels of civil society participation in municipal governance. The factors that inhibit civil society participation in municipal governance were identified by respondents as being: the absence of a clear municipal strategy for approaching and encouraging civil society participation in municipal processes; the absence of vibrant participatory forums within the municipality; and the lack of demand for participation on the side of CSOs.

4.5.1 Municipal strategy for encouraging civil society participation

At the time of the study, the municipality did not have a developed strategy for engaging with CSOs as one of the established sector within the municipal community. As a result, the municipality does not have an approach/strategy to ensuring that CSOs are either represented in the existing forums that are alluded to in the preceding sections of this report or establish forums that are specifically targeted at CSOs. Thus, CSOs tend to regard themselves as a neglected sector in comparison with business and other sectors that are operational within the municipality.

4.5.2 Absence of vibrant platforms for civil society to participate in municipal processes

The IDP representative forum in its current form creates no room for civil society to participate in the IDP formulation processes. on the other hand Ward Committees seek to foster area representation as opposed to sector representation. Thus, civil society as a sector cannot, and is not enabled, to participate in the Ward Committee system. Since the LED representative forum and the Local AIDS Council are currently non-existent, these cannot serve as alternative platforms for civil society to participate in municipal processes.

4.5.3 The lack of demand for participation from civil society organisations in Mbombela

Civil society organisations as a sector appeared not to have a clear determination to foster their participation in municipal processes. Whilst some of the respondents from CSOs recognised the importance of participating in municipal processes, they were ambivalent about their participation in municipal processes. Partly, the ambivalence was explained as caused by their reluctance to meddle in political process at one hand the lack of knowledge and exposure on the other hand constrain civil society's demand for participation.

4.6 Document Analysis

The approach to this research is one that used a combination of both interviews and the review of municipal documentation pertinent to public participation. From the onset of the study, it was intended that the documents to be reviewed would be the Mbombela municipal by-laws on public participation; the public participation policy; Ward Committee regulations and any other relevant documentation that guide public participation in Mbombela. During the study it was discovered that the only municipal documentation that guided public participation in Mbombela were the Mbombela Public Participation Policy and the Ward Committee and Public Participation Policy. Below is a summary of the contents of each document pertinent to this study.

4.6.1. Mbombela Public Participation Policy

This policy serves as an overarching guideline for public participation in the Mbombela municipal area. It defines what public participation should mean for the municipality and proposes that the municipality should develop strategies that should enable the implementation of the intended policy. The policy proposes these levels at which communities should participate in municipal processes:

- As **voters** to ensure maximum democratic accountability of the elected political leadership for the policies they are empowered to promote.
- As **communities** who express, via different stakeholders associations, their views before, during and after the policy development process in order to ensure that policies reflect community preferences as far as possible.
- As **consumers** and **end users**, who expect value for money, affordable services and courteous and responsive services.
- As **organised partners** involved in the mobilisation of resources for development through private sector, NGOs and community based institutions.

The policy pronounced that Mbombela should develop mechanisms to ensure public participation in the initiation of policies, bylaws and municipal development plans. Moreover, the Mbombela municipality is expected to involve the public in the Monitoring and evaluation the implementation of municipal programmes. The following strategies that can be applied to achieve these are:

- Forums initiated from within or outside local government allow organized structures to initiate or influence policy formulation, as well as participate in monitoring and evaluation of activities. Forums tend to work better when it comes to formulating either general community-wide development visions or issue-specific policies, rather than for formulating multiple policies that affect a multiplicity of interest.
- Structured stakeholders' involvement in certain council committees that are issue-orientated and have a limited lifespan rather than permanent structures.
- Participatory budgeting initiative aimed at linking community priorities to capital investment programmes.
- Focus group participatory action research conducted in partnership with non-governmental organization and CBO can generate detailed information about a wide range of specific needs and value.

4.6.2. Ward Committees and Public Participation Policy

This policy regulates the establishment and functioning of the Ward Committee system as a municipal institutional mechanism for public participation in the Mbombela municipal processes. Below is an extract from the policy as it pertains to the establishment and composition of Ward Committees:

The procedure for the election of members must take into account the need for women to be equitably represented in a Ward Committee and for a diversity of interests in the ward to be represented. Only ten members may serve in the Ward Committee but the diversity of interests may be pursued by ensuring the inclusion of the following interest groups: Youth,

Women, Religious groups, Sports and culture, Health and welfare, Business, Environment, Education, Senior citizens, Community safety forums, Community based organisations, Ratepayers associations, Traditional leaders, Agricultural associations, Informal traders; association, disabled and the unemployed.

4.7 Conclusion

In general, Mbombela Municipality has embraced its constitutionally assigned responsibility of encouraging the involvement of communities and their organisations in municipal matters and for providing democratic and accountable governance to local communities and that. In pursuit of the constitutional mandate, the municipality has developed and adopted two public participation oriented policies namely, the Public Participation Policy and the Ward Committee and Community Participation Policy. To its credit, the municipality has also established a well-staffed and functional public participation unit which is responsible for municipal-wide public participation. However, despite these institutional arrangements for public participation, the actual practice of ensuring public participation in the municipal processes still lags behind. This is due to the fact that at the time of this study, half of the forums through which the municipality is meant to facilitate public participation were defunct whilst the other half was due for resuscitation. Moreover, how the municipality intends to encourage civil society participation remains unclear.

Despite the pronouncements in both the Public Participation policy and Ward Committee policy on the need to engage with organised groupings and CBOs, the municipality has failed to ensure civil society representation within its existing forums with exception of the now defunct Local AIDS Council or create tailor-made platforms for civil society participation. This is in spite of repeated emphasis by respondents from both CSOs and municipal officials on the need for CSOs to participate in municipal process.

CHAPTER 5: DATA ANALYSIS AND INTERPRETATION

5.1 Introduction

In this chapter, the analysis and interpretation of the study findings are presented. De Vos (1998) aptly notes “the purpose of data analysis is to reduce data to an intelligible and interpretable form so that the relations of research problems can be studied tested and conclusions drawn” The contents below present an outline of the implications that the findings have on public participation in general and civil society participation in Mbombela municipality in particular.

5.2 Background

The interpretations and analysis of the findings on the current realities on civil society participation in the Mbombela Municipality are informed by the theoretical considerations of civil society participation in local governance. Habermas (1996) view civil society as a sector that comprises non-governmental and non-economic connections and voluntary associations. These voluntary associations emerge spontaneously and are attuned to how societal problems resonate in the private life spheres, distil and transmit such reactions in amplified form to the public sphere.

Robinson and Friedman (2005) proposed that CSOs can make fundamental contributions in the evolution of governance processes. These contributions are not limited to their capacity to influence public policy; they also foster a voice and participation, which in turn are functions of internal governance practices. Their capacity to offer citizens a say in decisions and to enhance pluralism may be as important as their ability to influence policy and demand accountability. In the case of Mbombela municipality, the absence of tailor-made platforms for civil society participation in municipal processes implies that CSOs are not able to play the roles that are envisaged by Habermas’s (1996) and Robinson and Friedman (2005) as presented above.

As indicated earlier in this paper, one of the governance functions that are expected of municipalities is to provide democratic and accountable governance to local communities and ensure their involvement in municipal decision making. Civil society can play a critical role in assisting municipalities fulfil this important mandate.

5.3 Space for Civil Society Participation in the Mbombela Municipality

In chapter 4 it has been established that the platforms for public participation that were functional at the time of the study were only Ward Committees and the IDP representative forum. The Local AIDS Council and the LED representative forums were non-existent. It has also established that neither the IDP representative forum nor the Ward Committees have a civil society CSO representation in their composition. This is in complete disregard of the provisions of the Mbombela Public Participation Policy which requires that the municipality to ensure that the municipality should in its approach to public participation consider the engagement with communities as:

- As organised partners involved in the mobilisation of resources for development through private sector, NGOs and community based institutions.
- Forums initiated from within or outside local government allow organized structures to initiate or influence policy formulation, as well as participate in monitoring and evaluation of activities. Forums tend to work better when it comes to formulating either general community-wide development visions or issue-specific policies, rather than for formulating multiple policies that affect a multiplicity of interest.
- Structured stakeholders' involvement in certain council committees that are issue-orientated and have a limited lifespan rather than permanent structures.

The inability of the municipality to infuse the aforementioned provisions of its public participation policy has deprived it of the benefits that could be derived from civil society involvement in municipal processes. It also implies that the municipality had embraced public participation in theory and not in practice. As Robinson and Friedman (2005) assert, the contribution of CSOs is not limited to their capacity to influence public policy; they also foster a voice, which in turn are functions of internal governance practices. Their capacity to offer citizens a voice in decisions and to enhance pluralism may be as important as their ability to influence policy and demand accountability. Thus, the non-inclusion of CSOs in the Mbombela participatory forums does not only affect the organisations as individual institutions but also the communities to whose benefit they exist. Moreover, the municipality has missed out on an opportunity to have a vibrant democratic culture in which a large percentage of its constituent community is involved in the governance of local affairs.

The lack of representation of CSOs in the existing representative forums suggest that the municipality has approached public participation practice as an exercise that is solely aimed at meeting legislative obligations. It brings into question the municipality's commitment to public participation as a whole. In Arnstein's (1969) ladder of participation, the current trends on civil society participation in Mbombela could be qualified as being at a level of non-participation wherein public participation is only invited as a symbol of tokenism aimed at fulfilling certain legislative requirements.

Currently, the municipality has limited its scope and focus in public participation in its governance process to the prescribed representative forums such as Ward Committees and IDP representative forums. The municipality has not established any other forum that would best facilitate broad sector representation and participation. As a result, the opportunity for civil society participation in the Mbombela municipal processes is only limited to this prescribed forums. As pointed out in Chapter 4 of this report, this phenomenon limits the participation of civil society in the Mbombela governance processes. A phenomenon that Oldfield (2008), correctly cautions, the over-formalisation of participatory processes and spaces has turned the engagement between local communities and local government to become increasingly procedural and technical.

Whilst this may normalise democratic practices, inherent in this is a possibility of creating patterns of inclusion and exclusion. It may translate into a reduction of space and processes through which communities engage since less effort and initiative will be taken by the state to get communities to participate. In which case, it is imperative for communities to take initiative to participate in governance without awaiting invitation from government. Thus, the formalisation of participatory mechanisms and processes should be developed and implemented bearing in mind that it may lead to polarising relations between the government and communities if over done may have a negative impact on a participatory culture in a municipality.

Oldfield's (1969) view is applicable to the participatory forums in the Mbombela municipality, especially the IDP representative forum wherein only government sector departments are represented. This is a direct outcome of municipal efforts to regulate participatory process and overzealousness on meeting legislative requirements. Thus, the existence of the IDP representative forum could be interpreted as a means to fulfil the

legislative and regulatory requirements wherein a participatory process need to be undertaken as one of the prerequisite for an IDP to be approved and deemed credible. Moreover, the municipality has narrowed its platform for public participation to include only the IDP, LED representative forums, Ward Committees and Local Aids Councils at a exclusion of targeted forums that can be established to cater for organised groupings or sectors within the municipality. Furthermore, Mbombela has elected a structured and formalised approach to public participation where only people who participate in the four formal structures may input in municipal processes. The establishment process of this forum does not encourage broad representation of stakeholders.

5.4 Current Levels of Civil Society Participation in Mbombela

The respondents from both CSOs and municipality characterised the level of civil society participation in municipal processes as being minimal and close to non-existent. This is largely due to the fact that in the four participatory structures that the municipality has identified as the key platforms for public participation in municipal processes namely, Ward Committees, IDP and LED representative forums, and the Local Aids Council did not have civil society representation. It is only in the Local AIDS Council that there was proven representation of CSOs. Moreover, it is only in the Local AIDS Council that CSOs were viewed as one of the key stakeholders.

According to Swilling & Russell (2002), the basic dual expectations of government are that NGOs will firstly, continue to act as monitors of public good and safeguard the interests of the disadvantaged sections of society. The performance of this social watch role requires both transparency and accountability on the part of NGOs. The government's second expectation is that NGOs will assist in expanding access to social and economic services that create jobs and eradicate poverty.

The implications of the current low state of civil society participation in municipal processes in Mbombela Municipality are that communities and especially the marginalized sections are without non-governmental guardians of their interests in the governance of the municipality. The representation of civil society in the Local AIDS Council is worth celebrating. However, this can be viewed as an effort by the municipality to benefit from the civil society's ability to

expand access to social and economic services to marginalized communities. This is significant because most organisations that were represented in the Local AIDS Council are involved in home-based care services as well as the delivery of food parcels. Especially in view of the fact that these organisations are involved in service extension activities such as home-based care-giving. Thus, the Mbombela municipality has only embraced the service role of CSOs at the negation of their expressive role.

The Mbombela Ward Committees, the IDP and LED representative forums in their current conceptualisation and election processes do not reflect the representation and participation of civil society organisations as being a priority in their establishment and functioning. At the time of the study the municipality did not have a system of ensuring that civil society organisations are represented in its various representative forums by tailoring the electoral processes and procedures to accommodate their representation. As a result, they are not directly represented in these three forums.

As Plummer (2000) asserts, the role of NGOs in building municipal capacity for community participation will depend on the capacity, skills and agenda of both the municipality and the NGO sector in a given context. Commonly however, the attitudes and skills needed for promoting community participation are more prevalent amongst NGOs than government and this creates opportunities for municipal-NGO alliance. Consistent with Plummer's view on civil society contribution in municipal process, civil society formations in Mbombela have the potential to breathe life into the rather dormant municipal participatory forums such as IDP, LED representative forums as well as Local AIDS Council. They would also make Ward Committees more representative than they are in their current form.

Furthermore, most civil society organisations are involved in civic education activities. Through these organisations, civil society can contribute in making citizens aware of the importance of participating in municipal processes. This educative effect could also be extended to the members of the various forums seeing that the current system of local governance and participatory democracy is a fairly new phenomenon in South Africa and in local government. Moreover, municipal officials who are employed by the municipality to coordinate the activities of these forums are fairly new to local governance, let alone participatory governance practices and may find it difficult to make these forums as participatory as they should be. Members of civil society organisations could serve as a

resource for those municipal employees as they grapple with developing participatory mechanisms in their forums. Furthermore, CSOs tend to be specialists in their areas of focus and they would bring their conceptual and technical knowhow to these forums.

Taking Rousseau's (1952) earlier points that, firstly, participatory processes seek to ensure that no man or group is a master of others; therefore, all are equally dependent on each other and equally subject to the law. And secondly, that participation fulfils an integrative function in that it creates amongst individuals a feeling that they belong in their community. Participation in decision-making itself, and complex totality of results to which it is seen to lead, both for the individual and for the whole political system, this experience attaches the individual to his society and is instrumental in developing a true community. The exclusion of CSOs on the Mbombela municipal processes has implications for both individual members who constitute those organisations and those organisations as part of the stakeholders within the municipality.

The implications are twofold. Firstly, both organisations and its members are deprived of their right to participate in municipal processes through the municipality's design of its participatory mechanisms. Secondly, the non-inclusion of both the organisation and its members has an exclusionary effect on them from being part of the broader municipal community. In return, they would not feel a sense of ownership of municipal decisions; plans and programmes as they are not part of the decision-making processes. As a result they would not be keen on participating in the realisation of such municipal plans and programmes. Chambers (2002) argues that participation is an empowering exercise that shapes preferences, moderates self interest, and maintains conditions of equality, enables dialogic empowerment, and produce reasonable justification for majority decisions. This would result in collective ownership of the governance decisions that are made in a democratic state. In the case of Mbombela municipality, it would imply that all stakeholders would assume collective ownership of municipal plans and programmes and thus play an active role in implementation of this plans and programmes.

5.5 Factors that Inhibit Civil Society Participation in Mbombela

The data, presented in Chapter 4, of this report illustrate that there is a low level of civil society participation in the Mbombela municipal governance. As a result respondents could not identify any factors that could be utilised to promote civil society participation in the governance of the municipality. Thus, respondents offered their views on factors that they deem responsible for the current low levels of civil society participation in municipal governance. Respondents identified three key factors that inhibit civil society participation in the Mbombela municipal governance. Firstly, there is an absence of clear strategies to promote civil society participation in the Mbombela municipal processes. Secondly, there is an absence of vibrant public and civil society participatory forums within the municipality. Thirdly, there is a lack of demand for participation in municipal processes by civil society organisations in Mbombela.

The study observed that critical ingredients as for vibrant public participation as proposed by (Gaventa et al 2007) were missing in the Mbombela public participation mechanisms. The missing ingredients are: (i) the appropriate political will from political, administrative and civil society elites; (ii) appropriate – principally empowered – institutional design; and (iii) effective mobilisation of communities, especially poor and marginalised groups into these new spaces of local government. These missing ingredients are important for the effective mobilisation of communities and civil society to participate in municipal processes.

5.5.1. Municipal Strategy for Encouraging Civil Society Participation

The Mbombela Municipality has done well in the formulation of the policy framework for public participation as well as establishing a public participation unit in its organisational structure which is fairly solid and resourced. However, it has failed in establishing mechanisms and strategies that would enable it to realise its policy aspirations for public participation beyond the minimum requirements for public participation as set out in the pertinent legislative and policies frameworks. Whilst it is widely acknowledged that it remains the responsibility of communities and their organisations to participate, municipalities have a role to play in stimulating participatory democracy at the local level.

The stimulation of public participation at the municipal level would serve two critical components of participatory democracy. Firstly, it would enable municipalities to arrive at policy decisions and programmes that are responsive to the needs and aspirations of its constituencies. Secondly, it would enable or empower local authorities to function as training grounds for democratic governance at a regional and at a national level. As Mill (1992) contends, there is no use having universal suffrage and participation at national government if the individual has not been prepared for this participation at local level because it is at this level that he learns to govern himself. Thus, it is at the local level where the real educative effect of participation occurs, where, not only do the issues dealt with directly affect the individual and his everyday life but also where he stands a good chance of himself being elected to serve on a local body.

Given that the concept of participatory democracy is new to South Africa, the sphere of local governments can serve as a nucleus for its development. For this to happen, local authorities including Mbombela Municipality would have to embrace the educative function of participation as advanced by Mill (1992). This can only be achieved if the thinking on participation by municipalities transcends the need to fulfil obligations imposed upon them by regulatory frameworks that governs the functioning of municipalities.

In its current form the IDP representative forum does not allow for civil society to participate in the IDP formulation processes. On the other hand, Ward Committees focus on fostering area representation as opposed to sector representation. Thus civil society as a sector is not enabled to participate in the Ward Committee system. The LED representative forum and the Local AIDS Council are currently non-existent. Therefore, these cannot serve as alternative platforms for civil society to participate in municipal processes.

5.5.2. Absence of vibrant platforms for civil society to participate in municipal processes

One of the limiting factors for civil society participation in the Mbombela municipal processes is the municipality's statutory approach to public participation. The municipality has focused its energies on public participation to the establishment of only those structures or forums that it is required by local government legislative and regulatory frameworks to create. The municipality has not invested enough in creating other platforms for participation

based on its local context. The absence of creativity and inability to contextualise public participation to its own circumstances does not allow it to create more vibrant platforms for participation.

At the time of the study, the IDP representative forum created no room for civil society to participate in the IDP formulation processes. Ward Committees on the other had fostered area representation as opposed to sector representation. Thus civil society as a sector could not be enabled to participate in the Ward Committee system. The LED representative forum and the Local AIDS Council on the other hand were non-existent. Therefore, they could not serve as alternative platforms for civil society to participate in municipal processes.

As Oldfield (2008) correctly observes, most channels for participation as legislated in policy frameworks provides opportunities for citizens and communities to engage with local governance in a structured manner. This is done through structures such as Ward Committees, integrated development planning and consultation in service delivery processes. However, these are highly contested spaces in form, content, limit, politics and ideology and in which communities organise themselves at local government level. The contestation of this space is due to the fact that the outcomes of their deliberations inform either municipal policy or programmes that municipalities undertake. The statutory approach of Mbombela municipality to public participation further contracts the space for participation municipal residents as competition for participation by individuals and organised formations has been limited to the four forums that the municipality uses for public participation.

5.5.3. Lack of Demand for Participation from Civil Society Organisations

The study has established that CSOs as a sector appeared not to have a clear determination for fostering participation in local municipal processes. Whilst some of the respondents from CSOs recognised the importance of participating in municipal processes, they were unaware of the urgency of their participation in municipal processes. Partly because of their ambivalence due to their reluctance to meddle in political process as well as a lack of knowledge on participatory democracy and adequate exposure to local governance. These factors tend to constrain civil society's demand for participation.

Whilst the legal framework (the Constitution 1996, the White Paper on Local Government 1998, the Municipal Structures and Systems Acts 2000), that governs the current system of local governance in South Africa agitate for a participatory model of democracy, it remains incumbent amongst municipal residents, individually or through organised structures, to claim their right to participate in local government. Claiming this right would require two main initiatives from residents. Firstly, occupying invited spaces for participation, such as formal structures that municipalities create for the municipality to engage with the public. These structures include ward committees and other structures that the municipal council may approve and establish. Secondly, demanding space for participation would require them to establish parallel structures to those established by the municipal council but are recognised by the municipal councils as platforms for engagement with communities. In the case of Mbombela, the invited spaces for participation would be Ward Committees, LED and IDP representative forums and the Local AIDS Council.

The manner in which CSOs would go about demanding spaces for participation will largely be guided by their characterisation of the current Mbombela municipal governance. As Foley and Edwards contends in Chambers (2002), where the state is unresponsive, its institutions are undemocratic, or its democracy is ill-designed to recognise and respond to citizen's demands. Thus, the character of collective action will be decidedly different than under a strong and democratic system. In instances where citizens will find their efforts to organise for civil ends frustrated by state policy, and at times blocked, at others simply ignored aggressive forms of civil association will spring up and ordinary citizens will be driven into active militancy against the state or self-protective apathy.

In the case of Mbombela, it would appear that there is a realisation for the need for more civil society participation in municipal processes given that the two policies that regulate public participation in that municipality (Public and Ward Committee and Public Participation policies). However, the implementation of these policies is still incomplete. At the time of the study, respondents from CSOs that felt their sector is being ignored by the municipality when it comes to municipal decision-making.

5.6 Conclusion

This chapter presented an analysis and interpretation of the research findings using the theoretical perspective on both public participation and civil society as tools for analysis. From the above analysis, it is clear that the levels of civil society participation in Mbombela municipal governance processes are unacceptably low. This is owed to two key factors namely, the inability of the Mbombela Municipality to develop and implement mechanisms through which CSOs can participate in its processes; and the inability of CSOs to claim their stake in the governance of their municipality.

The Mbombela municipal efforts to develop public participation related policies as well as establishing ward committees and IDP representative forum is note worthy. However, this represents a limitation on the institutional mechanisms that a municipality need to have in place in order to promote public and civil society organisations. Additionally, the municipality does not have systems in place that would ensure that civil society organisations are represented in the existing participatory forums. Thus, it would be important for the municipality to develop a civil society oriented approach to public participation.

Civil society organisations in Mbombela municipality seem to lack initiative with regards to their participation in municipal processes. Most of the sampled CSOs confirmed to have not been aware of the possibility and importance for them to participate in municipal processes. Thus, they have not made efforts to demand representations in forums such as ward committees and IDP representative forums. Thus, they are partly responsible for current low levels of civil society participation in the Mbombela municipality. Their responsibility is with regards to push for their representation in municipal participatory forums and participating in municipal processes.

CHAPTER 6: CONCLUSIONS AND RECOMMENDATIONS

6.1 Introduction

This chapter presents key conclusions of the study based on the findings and the interpretation as presented in the previous chapter. Both the conclusions and recommendations hinge upon the objectives of the study as expressed in the purpose of the study. The study concludes that these current levels of CSOs in Mbombela Municipality are quite minimal and that both CSOs and the municipality cannot be absolved of responsibility for the prevalent state of civil society participation in Mbombela Municipality. The study further proposes ways through which both the municipality and civil society could improve the low levels of civil society participation in the governance and development processes. Possible areas for future research within the field of study are proposed.

6.2 Conclusions

The analysis in chapter five points to the evidence that the municipality has taken initiatives to promote public participation in its processes through the development of a policy framework for public participation and the establishment of a public participation unit in its organisational structure. Moreover, it has experimented with participatory forums such as Ward Committees, IDP and LED representative forums, and the Local AIDS Council. All these participatory forums have not gone without challenges. The challenges ranged from non-representation of CSOs to the municipal inability to keep these forums vibrant and instrumental in municipal decision making processes.

Both the Mbombela Public Participation, Ward Committee and Public Participation policies make salient provisions for civil society involvement in municipal processes. The Public Participation Policy views CSOs as one of the important stakeholders with whom strategic partnerships for policy-making, development planning and resource mobilisation for service delivery could be entered into with the municipality. The Ward Committee and Public Participation Policy identified community-based sectors that should be represented in Ward Committees through sector representation. This policy proceeded to propose a combination of

area-representation and sector-representation based approach to Ward Committee elections as a mechanism to promote representation of diverse interests in Ward Committees. However, the study established that the municipality has thus far relied primarily on area-representation to the election of Ward Committees. Whilst this approach to Ward Committee elections may prove less time-consuming and less technical for the municipality, it deprives Mbombela municipality of fully representative and vibrant Ward Committees.

The Mbombela public participation policy framework is complemented by a functional public participation unit where some team members have undergone training in the field of public participation. This unit is deemed to be the custodian and main driver of public participation in the municipality. The study established that whilst the unit may have understood its role as custodian of public participation in the municipality, most of its energy is channelled to the functioning of the Ward Committee system at the neglect of other municipal participatory forums. As a result, this unit's engagement with the IDP representative forum would only extend as far as convening ward consultative meetings during the IDP review processes and not in the actual functioning of the IDP representative forum. This deprives the IDP and other representative forums of the skills necessary for promoting participatory democracy. Thus, the public participation unit was not able to promote municipal-wide public participation as well as ensuring the participation of CSOs in municipal processes.

This study has indicated that all the participatory forums with the exception of the Ward Committees and IDP representative forum were defunct and were eventually dissolved. The research established that their dissolution was largely owed to their non-functioning and the inability of the municipality to provide them with proper leadership, coordination and support. Both the IDP representative forum and Ward Committees, existing as they maybe their current composition is non-representative of civil society formations. Notwithstanding this reality, the municipality has not developed other mechanisms through which CSOs can participate in municipal processes. As a result the level of civil society participation in Mbombela municipal processes was minimal and close to non-existent. In isolated instances there were individuals within civil society who formed part of Ward Committees in their respective wards but not in their capacity as members of civil society but rather as active (in either political or developmental terms) residents in their wards.

Whilst acknowledging that the municipality had not done enough to create an environment conducive for their participation in municipal participation, civil society organisations had not been able to claim their stake in the governance of municipal affairs. The study established that apart from participating in the Local AIDS Council upon the invitation of the municipality they have not taken initiative to seek participation in municipal decision-making processes. Thus, they have not been able to play a more expressive role that is expected of civil society in a democratic context. This has posed serious limitations to participatory democracy in Mbombela municipality.

Civil society participation in Mbombela can only be realised when both the municipality and civil society to embrace their responsibilities in making participation a reality. The municipality will have to establish deliberate processes and mechanisms that are aimed at promoting civil society in municipal decision making. CSOs on the other hand will have to prioritise participation in municipal processes as one of responsibilities. This will require an expansion of their engagement with the municipality to communities.

6.3 Recommendations

Whilst the study was based in Mbombela Municipality, the recommendations presented here extend beyond Mbombela Municipality but would benefit this municipality as well. These recommendations are meant to contribute towards the improvement of civil society participation in the sphere of local government as a whole. The recommendations further proposes contributions that can be made by the following role players who deemed to be key stakeholders in the field of local governance in general and public participation in particular: civil society, local government, provincial government, national government and the research community.

6.3.1 Civil Society

The legislative framework on local governance as well as the Mbombela municipal policy frameworks on public participation provides opportunities for civil society to participate in municipal processes. Moreover, the theoretical perspectives on civil society points out the potential inputs that the civil society sector can make in democratisation and development of

society. Civil society in Mbombela is not taking advantage of the possibilities for participation as provided for in the legislative and policy provisions nor is it leaving up to the expectations on civil society in a democratic space.

It is recommended that civil society in Mbombela embraces its responsibility to contribute in advancement of democratic governance in their municipality as well as contributing towards community development. Through this, civil society will be fulfilling the expressive role that is expected of them. This may include participating in existing municipal forums as well as advocating for the creation of civil society specific participation forums in municipal governance.

6.3.2 Local Government

6.3.2.1 Development of Strategies for Civil Society Participation in Municipal Processes

The study has established that the municipality does have policy intent to include civil society in its governance practices. However, it (the municipality) has not invested energies in the development of mechanisms that would translate the policy intent into actions. The municipality took a conformist approach to public participation wherein it concentrated on meeting legislative requirements on public participation and meeting minimum requirements for municipalities on public participation.

It is, therefore, recommended that the municipalities formulate strategies through which they would engage with civil society as one of the key stakeholders. A strategy could be to encourage civil society participation in municipal policy formulation and implementation, development planning and the delivery of services. This could be done by establishing participatory forums that will be either only comprises civil society organisation or multi sector forums that include civil society in their composition. These forums would need to be actively involved in municipal processes. Municipalities need to work beyond meeting the minimum legislative requirements for public participation in municipal processes.

6.3.2.2 Inclusion of Civil Society Organisations in Municipal Representative Forums

The study has established that with the exception of the Local AIDS Council, the municipality has not made efforts to ensure the representation of CSOs in representative forums like Ward Committees, IDP and LED representative forums. As a result civil society as a sector is not represented in this forums.

It is recommended that efforts be made by the municipality to follow electoral processes and procedures that will ensure the representation of CSOs in these forums. The inclusion of civil society will broaden representativeness of these forums and make them more participatory and add new skills and insights on the development and governance issues for forums. Moreover, it will present new possibilities of partnership in development planning and resource mobilisation for improved service delivery between the municipality and civil society. It is also recommended that a participatory forum that is solely targeted on civil society be established, either in the office of the Mayor or the Speaker of council.

6.3.2.3 Broaden the Scope of the Public Participation Unit

The Mbombela public participation unit currently focuses its scope of works to the functioning of the Ward Committee system as opposed to taking a broader view to public participation in overall municipal processes. As a result, the unit is not able to share its expertise with other municipal components that are facilitating participatory processes in their areas of work.

Other municipalities would have similar structures in their organogram (though they may not be the exact match to that of Mbombela municipality) with the similar functions assigned to them. It is recommended that this unit provide support to the other municipal participatory forums given the existent of capacity within the unit. It is further recommended that this unit assign some of its personnel to the facilitation of participatory processes targeted at civil society. This would enable municipalities to develop holistic approaches to civil society participation in their governance.

6.3.3 Provincial Government

Provincial governments are expected to play dual roles in relation to local government in the spirit of cooperative governance as envisaged in the Constitution of the Republic of South Africa (1996). Firstly, they are expected to play a supportive role, by providing support to municipalities in the performance of their duties. Secondly, provincial governments entities are expected to perform an oversight role in the functioning of municipalities. This includes governance, development-planning and service delivery. This dual responsibility of provincial governments is largely anchored by provincial departments of Cooperative Governance and Traditional Affairs.

It is recommended that in performing both their supportive and oversight roles in the area of governance, provincial governments should assist municipalities in developing public participation machinery in order for it to promote the involvement of civil society formations in municipal governance. As a supportive contribution, provincial governments may develop of clear guidelines that municipalities may follow in establishing mechanisms for civil society participation. Moreover, as an oversight function, provincial governments may develop mechanisms for measuring municipal performance in the inclusion of civil society in their governance practices.

6.3.4 National Government

Notwithstanding the fact that virtually all national sector departments interface with local government in one form or another, the department of Cooperative Governance and Traditional Affairs (COGTA) has the task of conducting stewardship for national support and oversight to the sphere of local governance. Since the inception of the new system of local governance in South Africa in the year 2000, COGTA (previously known as the Department of Provincial and Local Government before the 2009 general elections), has made efforts to promote public participation in municipal governance. However, this has been single tracked in that it focused mainly on the Ward Committee system at the negation of civil society participation in municipal processes. To date, COGTA has developed guidelines and frameworks aimed at assisting municipalities to make the Ward Committee system work.

As already demonstrated in the findings of this report, the Ward Committee system seems to be porous in so far as promoting civil society participation in municipal process is concerned. COGTA is well positioned to play supportive and oversight roles to the sphere of local government. In pursuance of its supportive role, it is recommended that COGTA initiate and lead a national process that will enable municipalities to develop and implement mechanisms that would enable civil society participation. This could include benchmarking exercises that would showcase best practices in municipal and civil society interface. Additionally, COGTA could facilitate local and international study tours that could facilitate municipal learning from best practices in settings different from or similar to theirs as a way of inspiring them to promote municipal and civil society interface.

In its oversight function, it is recommended that COGTA together with its provincial counterparts, elevate municipal and civil society interface into one of municipality's delivery areas in their public participation and governance responsibilities. This would encourage municipalities broaden their view of public participation beyond the Ward Committee system. Civil society formations would thus feel more recognised as a significant role player in municipal governance and thus be stimulated to participate in municipal processes.

6.3.5 Areas for further Research

It became evident during the course of this study that a limited body of knowledge exist in the field of civil society participation in local governance in South Africa. Since the year 2000, a number of NGOs and academics have written about public participation in local governance in South Africa largely focused on the Ward Committee system with little attention to civil society involvement in local governance. Most of these contributions have endeavoured to improve the Ward Committee system. However, more research still need to be done in the field of civil society participation in municipal governance. The recommended areas of research are:

- **The different models for civil society participation in local governance.** This would provide municipalities with practices that they can learn from and adapt to their peculiar circumstances.

- **Municipal institutional arrangements that promotes civil society participation in municipal governance.** This would include the location of public participation in municipal organisational structure, participatory forums that municipalities put in place and how that would promote or inhibit civil society participation.
- **Civil society's interest and ability to partake in municipal governance.** This would shed more light on the factors that leads to the current low levels of civil society participation in municipal governance.

LIST OF REFERENCES

- Arnstein, Sherry R. (1969). *A Ladder of Citizen Participation*, JAIP, 35(4), pp. 216-224.
- Blanche, M.T. (2008). *Research in Practice: Applied Methods for Social Sciences*, UCT Press, Cape Town South Africa
- Bless, C and Higson-Smith, C. (1995). *Fundamentals of Social Research Methods*. South Africa: Juta
- Bujura, A and Adejumobi S. (2003). *Breaking Barriers, Creating New Hopes: Democracy, Civil Society and Good Governance*, DPMF Book Series, Addis Ababa, Ethiopia
- Chambers, S. (2002). A Critical Theory of Civil Society, in *Alternative Conceptions of Civil Society* eds. Chambers, S. & Kymlicka, W. Princeton University Press, United Kingdom
- Chandhoke, N. (2001). *The 'Civil' and the 'Political' in Civil Society*, Frank Cass, London
- Callaghy, T. (1994). Civil Society Democracy and Economic Change in Africa A Dissenting Opinion About Resurgent Societies, in *Civil Society and the State in Africa*. Lynne Rienner Publishers, Boulder
- Cohen, J.L. & Arato, A. (1994). *Civil Society and Political Theory*, MIT Press, USA
- CORE and IDASA. (2001) *Two Commas and a Full Stop: Civicus Index on Civil Society*, South Africa's Country Report, South African National NGO Coalition, Johannesburg, RSA.
- Cresswell, J.W. (2003). *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*. London: Sage Publications

- De Vos, A.S. (1998). *Research at Grass Roots*. South Africa: J.L. Van Schaik
- Diamond, L. (1992). *The Democratic Revolution, Struggles for Freedom and Pluralism in the Developing World*, Library of Congress, New York
- Fine, R. (1997). (ed. by Frank Cass), *Civil Society Theory, Enlightenment and Critique in Civil Society Democratic Perspectives*, London.
- Gaventa, John, Rosemary McGee and Tricia Zipfel. (2007). *How do local governments support citizen engagement?* Background note for the international workshop for champions of participation in local government. IDS workshop, University of Sussex, May 29 - June 4.
- Habermas, J. (1996). *Contributions to a Discourse Theory of Law and Democracy*. Translations Rehg W.J. Polity Press & Blackwell Publishers LTD, Great Britain
- Hammersley, M. (1992). *What is wrong with Ethnography?* Routledge: London
- Hegel, G.W.F. (1942), *Philosophy of Right*. Translations Knox T.M, Oxford University Press, London
- Heller, P. (2001). Moving the State: The Politics of Democratic Decentralisation in Karela, South Africa, and Port Alegre. *Politics of Society*, 29(1):131-63
- Karvraj, S. & Khilnani, S. (2001). *Civil Society: History and Possibilities*, Cambridge: Cambridge University Press.
- Keane, J. (1998). *Civil Society, Old Images, New Visions*. Polity Press, Cambridge, UK
- Keulder, C. (2000). *State, Society and Democracy*. Gamsberg Macmillan Publishers (Pty) Ltd, Windhoek, Namibia.
- Lipset S. M. , (1995) *The Encyclopedia of Democracy* Volume 1, Routledge, London
London School of Economics, 2006. A Definition of Civil Society

- Locke, J. (1966). *Two Treaties of Government*, eds Cook, T.I. Hafner Publishing Company, New York and London
- Manor, J. (1999). *The Political Economy of Democratic Decentralization*, World Bank Washington DC
- Mbombela Municipality. (undated). *Public Participation Policy*, Mbombela Municipality, Nelspruit, RSA
- Mbombela Municipality. (undated). *Ward Committees and Public Participation Policy*, Mbombela Municipality, Nelspruit, RSA
- Merriam, S.B. (2009). *Qualitative Research: A Guide to Design and Implementation*, Jossey-Bass, San Francisco
- Merriam, S.B. (2002). *Qualitative Research in Practice: Examples for Discussion and Analysis*, Jossey-Bass, San Francisco
- Meyer, T. & Hinchman, L. (2007). *The Theory of Social Democracy*, Polity Press, United Kingdom
- Mill J.S. (1998). *The Democratic Citizen in the Political Thought* eds. Rosen, M. & Wolff J, Oxford University Press
- Mokumbe, J, (1998). Is there Civil Society in Africa? *International Affairs* 74 (2), pp. 305-317)
- Moser, C. (1989). Community Participation in Urban Projects in the Third World, in *Progress Planning*, vol.32.
- Oldfield, S. (2008). Participatory Mechanisms and Community Politics: Building Consensus, in Consolidating Developmental Local Government, *Lessons from the South African*

- Experience*. (eds. Mirjam van Donk, Mark Swilling, Edgar Pieterse and Susan Parnell). UCT Press, Cape Town, South Africa.
- Parker, A & Serrano R, (2000).. *Promoting Good Local Governance through Social Funds and Decentralisation*, World Bank: Washington DC.
- Pateman, C. (1970). *Participation and Democratic Theory*. Cambridge University Press, Cambridge.
- Plummer, J, (2000). *Municipalities & Community Participation: A Sourcebook for Capacity Building*, Earthscan Publications, United Kingdom
- Rapoo, T and Kihato C, (1999). *An independent Voice: A survey of Civil Society in South Africa, their Funding and their Influence over the Policy Process*. Centre for Policy Studies, Johannesburg, South Africa.
- Ritchie J. & Lewis, J. (2003). *Qualitative Research Practice: A guide for Social Science Students and Researchers*. SAGE Publications LTD, London
- Robinson, M. and Friedman, S. (2005). *Civil Society, Democratisation and Foreign Aid in Africa*: IDS Discussion Paper 383. Institute of Development Studies, Brighton, Sussex
- Rousseau J.J. (1952). *The Social Contract in Great Books of the Western World*, Edited by Hutchins, R M, University of Chicago, USA
- Rubin, A and Babbie, E.R. (2005). *Research Methods for Social Work*. USA, Brooks/Cole.
- RSA (1996). *The Constitution of the Republic of South Africa Act 108*, Cape Town: Government Printers,
- RSA (1998). *The White Paper on Local Government 1998*, Cape Town: Government Printers.
- RSA (1998). *Municipal Structures Act 117*, Cape Town:, Government Printers.

RSA (2000). *Municipal Systems Act 32*, Cape Town: Government Printers

Swillings et al, (2004). *Global Civil Society: Dimensions of the Non-profit Sector*, Volume Two, Kumarian Press, Inc, USA.

Swilling, M & Russell, B, (2002). *The Size and Scope of the Non-profit Sector in South Africa*, South Africa.

Taljaard, R. (2009). New World Governance and the Emergence of a Global Community Round Table in *Civil Society and the Zuma Government: Opportunities for Engagement*, (eds Geyer, Y. & Jekens, I.) IDASA: Pretoria, South Africa.

APPENDIX: Interview Schedule

Research Questions

1. How does the municipality provide for the participation of civil society formations in its processes?

- 1) What are the forums/structures for public participation that exist in the municipality?
- 2) How were these forums/structures established?
- 3) Are civil society formations represented in these forums/structures?
- 4) What is the level of civil society representation in these forums?

2. What are the current levels of civil society participation in municipal governance?

- 1) Do civil society formations participate in municipal governance
- 2) What are the municipal processes that civil society formations participate in?
- 3) How regularly do civil society formations participate in municipal process?
- 4) Is civil society participation in municipal processes adequate

3. What are the factors that promote/inhibit civil society participation in municipal governance?

- 1) What are the limitations to civil society participation in municipal processes?
- 2) What could be done to improve the current levels of civil society participation in municipal processes?