twenty two

Building Consensus and Conflict: Community Systems and Local Participatory Mechanisms in Democratising Local Governance

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Introduction

> We can speak. There are more channels than ever to do so. But the language of technocratic liberal constitutionalism both enables and disables us. It enables us by making talking, listening and being heard a right in a democracy. But it disables us by telling us how, where and when we should speak and in what conceptual language we can speak if we want our sounds to be heard and comprehended and not reduced to noise lost in the south-easter and swept out to sea (Pillay 2005:7).

In the post-apartheid period, participatory mechanisms have been designed and legislated to enable citizens and communities in the collective to engage with the state in order to substantiate democracy. At a national scale, these mechanisms range from rights to protest and freedom of expression, to rights to vote to elect political representation. Legislated in the Municipal Structures Act 117 of 1998, most channels for participation provide opportunities for citizens and communities to engage with local government through structures and processes such as ward committees, integrated development planning and consultation in service delivery processes. Many citizens and community-based groups use these participatory mechanisms. But, they are also highly contested: in form, content, limit, extent, politics, and ideology, and unequivocally in practice in their implementation in the context of the everyday ways in which communities organise themselves and in which local government operates at the neighbourhood and city scales.

There are many reasons in a South African context to want to place some faith in the role of participatory mechanisms, but there is one main one: to build inclusive citizenship by making a once-exclusive state inclusive, open, and responsive to the needs of the majority previously excluded and discriminated against. Yet, in the rush to address political imperatives for the delivery of services, the building of infrastructure and the consolidation of the post-apartheid state, energy and resources have focused on the physical elements of delivery of development. In this all-consuming attention to 'deliverable' physical development, less tangible and measurable democratic processes to build inclusion have become side elements, narrow channels through which society is directed to participate with government. The focus on development as a delivery process has framed the substantiation of democracy as a procedural policy rather than a political challenge (Stokke & Oldfield 2004). In consequence, a softer, subtler reworking of power relations has been assumed problematically as a technical outcome, or by-product, of the idealised goal of non-racial and equitably administered development processes. Participatory mechanisms therefore exist and are statutorily required; in large part in practice, however, they are peripheral to the central state project. Community participation, for example, has been devolved to the local and farmed out in packaged processes to local-level politicians and officials. In practice, then, although participation is conceived as a normative good — an instrumental element of post-apartheid reconstruction — in practice such processes are limited. Perhaps not surprisingly, they are also entangled in conflict.

This chapter examines local-level participatory mechanisms, the vision that underlies them and what we know about how they work in practice. In the context of research on ward committees in particular, the chapter describes how participatory mechanisms build slithers of consensus, but fail broadly to engage with the wide array of everyday organising in communities. This trend has resulted in a concurrent formalisation and regularisation of state-driven participation and, at the same time, a politicisation of these processes, which is examined in the next section. Divergent interpretations of these parallel processes read the situation as a fault of a state autocratically driving the project or the failure of civil society 'to get its act together' to engage with policy and the state. To unpack this polemic, I turn to a conceptual literature on state–society relations to argue for a less dichotomous analysis that highlights the strategic and always selective ways in which state and civil society engage, oppose, fight and, at times, ignore each other. The chapter therefore concludes with a call for a more nuanced assessment of state–civil society relations, and a disaggregation of the politics in-built in their engagement to trace multiple pathways through our transition. Lastly, however, I argue, the state in particular should acknowledge the limits and narrowness of participatory systems in order to

listen more carefully to the challenging array of politics generated in communities across South Africa (Ngiam 2006).

Participation in Local Governance

The Municipal Structures Act clarifies how the broad objectives in the Constitution should be implemented by specifying the different sizes and organisation of local government and its core functions, specifying generically a requirement for 'community participation.' These are:

> (2) A municipal council must annually review — (a) the needs of the community; (b) its priorities to meet those needs; (c) its processes for involving the community; (d) its organisational and delivery mechanisms for meeting the needs of the community; and, (e) its overall performance in achieving these objectives; (3) A municipal council must develop mechanisms to consult the community and community organisations in performing its functions and exercising its powers (Municipal Structures Act, sec. 19.1).

These requirements are made operational in ward committees and participation in service delivery choices and standards.

In parallel, community participation is a fundamental feature of the integrated development planning process. In theory, this process provides space for such participation through forums held with community representatives and municipal officials. In general, while case study research acknowledges that the level of participation has never been higher in South Africa, given the history of exclusion during apartheid, it suggests that participation through integrated planning processes has been superficial (Davids 2005; Houston 2001; Kehler 2000; Mathye 2002), highlighting the limited nature of participation through such processes in practice. In particular, Davids identifies the ambiguity of integrated development plans as strategic tools for efficient integration of municipal activities and as participatory mechanisms, asking critically: 'Is participation a means to achieve greater administrative efficiency … or is it a means to empower people by giving them control over development and government processes and outcome? Or both?' (Davids 2005:19).

In the context of debates about participation in service delivery, Smith and Vawda (2003) also examine the limited conception and scope for community participation, another statutory site for participation outlined in the Municipal Systems Act 32 of 2000. They suggest that frequently in practice a shift is made that translates citizenship participation into 'customer' consultation:

> If we look at service delivery as a microcosm of this changing relationship, the outcomes of this shift threaten to undermine meaningful forms of public

> participation. In the realm of service delivery, consumers are invited to take part in the process through the freedom to exercise their choice and preferences. However, the nature of this interaction is predetermined to set parameters. It is ritualistic through rote filling out of customer surveys and remains shallow in the degree to which customer complaints or suggestions actually transform the thinking behind the delivery process …. Most importantly, the customer may have a say in how to reshape the tail end of the delivery process, but is usually excluded from the decision-making process in how services are produced and where they are delivered. In this sense, the replacement of citizens' involvement with customer engagement in service delivery processes connotes a move away from an active form of public participation to a passive one (Smith & Vawda 2003:35–36).

A liberal and passive conception of citizenship does not, they argue, provide avenues for participation to address the serious challenges that face many poor residents of our cities. Research on ward committees demonstrates a parallel shortcoming and thus why state attempts to engage with communities to create and institutionalise development are at best partial and often contested.

Ward Committees: Slithers of Consensus in a Sea of Discontent?

Ward committees are legislated in the Municipal Structures Act to ensure and improve community input and participation in governance processes, to build partnerships for service delivery, to disseminate information to communities from municipalities and to identify problems in the ward, and through this structure to bring these problems to the attention of the municipality (Putu 2006:14). Committees are chaired by the ward councillor and include ten community representative members. This membership statutorily must be representative, incorporating women and youth, as well as a broad cross-sector set of participants. Municipal councils make the rules that regulate ward committees, including the process for election of members and the specific powers and functions delegated to them by council, particularly the pathways for issues generated from wards to reach council and executive committee agendas (see eThekwini Municipality n.d.). Although there are exceptions in design, in many instances decisions taken or issues addressed in ward committees are brought to the attention of council through the ward councillor (Hicks 2006). Ward committees have no formal powers to force council to do anything, although they have discretion over the annual ward budget allocation (Nyalunga 2006).

At this stage in their development, ward committee structures exist and operate in roughly 80% of most provinces (Hicks 2006). Research on ward committees indicates three critical limitations, however, evident in: the politics of representation at ward committee level, the structural limits to ward committee powers, and the ways in which ward committees become enmeshed in the vagaries of councillor and party politics.

The politics of representation and structural limits to power

Although ward committees in some instances have structural mechanisms for democratically shaping representation – see Overstrand Municipality (2006) in the Western Cape, for instance – more often than not, ward councillors select ward committee members. In the month-to-month functioning of committees, the setting of agendas and addressing issues raised in council thereafter is the statutory responsibility of the ward councillor (Chanza & Piper 2006). Structural linkages to decision making and the shaping of policy are therefore constrained. Although, in some instances, municipalities have designed processes of accountability, they are not statutorily required. Thus, if a community member or another organ of civil society in a community disagrees with ward committee decisions or contests the nature of representation on the committee, there is no clear institutional path through which to do so. Thus, Hicks's (2006:3) critical assessment that only a privileged few access the participatory spaces that ward committees provide rings true in the majority of cases. The facilitation of community input often therefore appears partial and sometimes superficial, with many ward committee processes presenting pre-determined positions and programmes for limited feedback or information sharing only.

In more positive assessments of the democratic or participative possibilities, researchers still stress the limits within which ward committee structures operate. A wide variety of researchers highlight, for instance, the need for capacity building among ward committee members and councillors (Davids 2005; Putu 2006). Where innovative practices that produce a deeper type of participation have occurred, they have required political will, commitment and interest from municipalities (see Putu 2006 in the case of Rustenburg, and Davids 2005 for a Stellenbosch municipal case study). Even in these cases, however, ward committee structures, processes and decision making revolve around ward councillors, who themselves face a number of challenges. In poorer areas of cities especially, ward councillors must negotiate an intense set of demands from neighbourhoods within their areas with multiple, parallel sets of housing, water, sanitation and service needs. Councillors' structural abilities to address material needs in wards are, by definition, limited and largely outside of their control, bound up in municipal, provincial and national priorities for service delivery. In many instances, ward committees' mandates overlap and at

times compete with existing community structures such as development committees and sector-specific committees. Because ward committees are usually controlled by councillors, there is no institutionally designed and regulated way to manage what are often contested sets of politics that arise in the overlaps among organisations at the community scale.

At the same time, ward councillors are functionally challenged if there is no explicit way in which ward committee concerns structurally become part of council agendas. Bound by the political party caucus processes and party structures, ward councillors often sit lower in political party hierarchies, with proportional representation councillors shaping party policy decisions. It takes a savvy and politically well-located councillor to negotiate ward interests through this web of processes and interests. Committee structures and processes are thus highly susceptible to a local politics of patronage that could be material (the control of service and infrastructure delivery within wards), but is also about control and voice, the shaping and directing of who can and cannot participate, and what is and is not allowed to be said or raised — another layer to Pillay's (2005) assessment of the limitations of technical constitutional liberalism.

Perhaps most importantly, Nyalunga (2006) stresses that ward committees cannot be understood as the only avenue for participation at neighbourhood level. They build on existing participatory practices inside and outside of state-driven processes, and thus 'cannot despise' or sit in opposition to 'other alternative forms of participation' (Nyalunga 2006:1). Ward committees can only be effective when they are complemented by pragmatic and more inclusive mechanisms for participation. As a central way for communities to engage with municipal governance, ward committees and councillors thus generate slithers of consensus. For those community representatives who access committees and in cases where energy and funding has been focused on capacity building, there is evidence for the benefit of relatively frequent and continuous engagement (Putu 2006). But, they do not solve or lessen conflicts underlying local governance. While research on ward committees thus far has been largely micro scale and case-based, this tendency resonates with the more general experience that in the formalisation and normalisation of participatory processes since their inception post-1994, there has been a parallel politicisation of governance in cities across South Africa (Pithouse 2006; Ballard et al. 2006; Desai 2003).

The Parallel Normalisation and Politicisation of Participatory Mechanisms

In the past ten years, there has been a formalisation of processes and spaces for participation. As a result, the nature of engagement between communities and local

government has become increasingly procedural and technical. This trend is not normatively bad — it is the goal of policy to normalise democratic processes — but it does hold consequences and generates particular and perhaps more durable patterns of inclusion and exclusion. In some instances, this might manifest as a reduction of space and process through which communities engage, so that less effort and initiative is taken by the state to 'go out and get' communities to participate. Instead, the imperative is on communities to 'come to the state' space and process. On both sides, expectations of the state and communities are more specific, raising questions about the 'patience' of the local state to engage with communities outside of formally required processes. At the same time, the 'patience' of some community organisations and movements to work within state-driven and controlled participatory processes has withered, and oppositional protest tactics have become routine.

On the one hand, the formalisation of participatory mechanisms is essential: in order to make processes accessible and to function within a wider sphere and practice of governance, processes need to be regularised and predictable. As Heller (2001:136) comments:

> … democracy requires bureaucracy. Because participation can never be comprehensive or continuous (capacities for participation are uneven and cannot be sustained throughout the planning the implementation process), there is a need to routinize and formalize the process through which participatory inputs are translated into outputs; hence, the technical requirement for rules of transparency, accountability, representation, and decisional authority.

But, at the local, ward and neighbourhood level, formalisation of processes carries significant consequences. The more formalised avenues of participation in ward committees and sub-council structures reduce the avenues through which communities engage with the state, and, at the same time, such participation is contained within the various and often personalised ways in which these processes are run by councillors.[1]

While conflicts underpin the distribution of resources within and among wards, and the local politics among councillors, community organisations and civil society, as well as many other forms of unorganised everyday experiences of governance, ward committee structures marginally manage or address these real material and political cleavages across and within neighbourhoods. Although such structures create opportunities to participate in an ostensibly equal process, allocating much weight to them as mechanisms for democratisation ignores the grossly unequal possibilities for participating, the formal modes of participation, and the often personalised or at least party-political agendas that drive these processes in practice. These problems do not only reflect the complexities of difference within wards and

local areas, but also unequal access; different abilities to participate; and the state's uneven and partial ability to hear, recognise and respect different types of civil society organising.

At the same time as channels for participation have been formalised and ways to participate in them normalised, there is increasing evidence of the politicisation of participatory spaces and processes. This politicisation is physically and symbolically evident in over 600 service delivery protests in the latter half of 2005 in large and small cities across the country (Pithouse 2006). It also is expressed in a state-led critique. African National Congress (ANC) rhetoric, for instance, frequently distinguishes between constructive and disruptive forces in social movements in particular, and those organised elements of civil society with whom government can form partnerships (Mthembi-Mahanyele 2003). Reaching a climax in 2005, such analysis interpreted service delivery protests around the country as disruptive and anti-democratic rather than as legitimate protest, i.e. a form of public participation on the streets.

Alternative interpretations of protests suggest a different motivation. Pithouse compellingly argues, for instance, that community politics build from the concrete experience of material deprivation:

> … most often the fight begins with these toilets, this land, this eviction, this fire, these taps, this slumlord, this politician, this broken promise, this developer, this school, this creche, these police officers, this murder. Because the fight begins with a militant engagement with the local its thinking immediately pits material force — bodies and songs and stones against bullets. It is real from the beginning. It is not about abstract rights (Pithouse 2006:29).

In the process of formalising already limited and often-peripheral forms of participation in local government, channels for community-state engagement are in many ways narrowed further. They are bound to the local scale, contained within a council-led and state-driven discourse and process. Thus, we have a debate on their functionality and politics. On one end of the spectrum, local participation is seen as a process of patronising consultation on service delivery rather than on issues that structurally shape our society, such as the contentious politics of macroeconomic policies (Pithouse 2006). Participation in large part at the local scale reflects, therefore, an instrumental process defined to legitimate policy decisions pre-determined by the state (Hicks 2006).

More sympathetic to the 'genuine intentions to positively affect democracy and bring about social and economic delivery at local government level', Mathekga and Buccus (2006:11) suggest that 'the method of implementing new institutions [and processes] has not effectively catered for the dormant participatory culture

held by citizens'. Participatory mechanisms in this interpretation sit on top of existing community systems, missing out on existing systems and ways in which communities work. And, at the other end of this interpretative spectrum, participatory mechanisms are there, but are not taken advantage of, perhaps because of a lack of 'capacity' (Davids 2005), or because civil society has ideologically chosen not to 'come to the party' (Haffajee 2005). A conceptual discussion is useful to interpret these divergent responses to the question: are we democratising local governance through participatory mechanisms and processes?

Beyond the Polemic on State-Society Engagement[2]

How do we make meaning of our post-apartheid transition and of the polemic that encases this debate? On the one hand, a radical critique tells us that the South African state and its developmental agenda is a cause lost to neo-liberalism. The problem thus is the state. On the other, we hear calls for civil society 'to come to the party' — an analysis that highlights the shortcomings of civil society. Both ends of this debate call for some nuance.

Let's start with conceptualising the state and its statecraft as a multiscaled, complex set of processes. Clearly the state is not a monolith or a unitary actor. Nor is the post-apartheid state neutral, as liberal readings of the state might argue; or, functional only to capital or to class interests, as a radical critique proposes. Rather, the set of institutions that make up the national, provincial and local state are sites and objects of processes, as well as agents in directing change and products of the particular conflicts and compromises that structured the transition from an apartheid to post-apartheid order, reflective of the formal and informal, personal and impersonal processes that muddy the myriad activities that 'the state' encompasses. The state straddles these contradictory and demanding roles, and the tensions that emanate from the relationships among national, provincial and local tiers. This type of theoretical perspective or story of the state tries to highlight the nuances and complexities that reflect the state as a site of conflicts over resources, as a generator of resources, and as a product of particular conflicts and processes, located in actual places, played out in policy and in the ways in which the local, informal, the personal and the generic interact in everyday state practices and engagements with citizens (Corbridge et al. 2005).

The multiple and fluid ways in which the state relates to society, as a site, an agent in, and a product itself of social, economic and political struggle, form an institutional and social infrastructure that enhances its relationships with some sections of society, and in some places, through particular projects and processes — such as ward committees, or presidential lead projects, for instance. Simultaneously, however, this institutional and social infrastructure, increasingly more formal and

technical, makes the state more permeable to some and more impenetrable to others. Mangcu (2003:8) describes this problem of permeability as a shift 'from the lifeworld of social movements to the systems world of bureaucrats and technical experts, all in the name of empowerment and reconstruction'; and Scott (1998) as the state simplifying to make legible to its goals what are complex processes in practice.

Jessop's (1990) strategic-relational analysis of the state and its politics proves interesting. He argues that the state is constructed relationally. Its complex mix of roles, functions and the processes that it drives but does not control does not roll out evenly. Rather, this mix coalesces in contingent and strategic moments and places, through particular relationships and in specific projects. It is the selectivity of these processes that I find useful.

While the state is selective in its engagement, so are citizens and, at a collective level, civil society, in our local context in the form of social movements and community organisations. Everyday civil society is complex and differentiated, and at times confrontational and 'uncivil'; at others, cooperative and collaborative. Local contexts direct activism, the spaces and sites for a wide range of activities that span a continuum between engagement and opposition. These choices reflect local context and they shape the autonomy of community-based organisations and other local social formations to act, and to engage with other organisations, and with the state and its processes. Local context also directs community-based civil society to different parts of the state, to particular institutions and policies, and to particular officials and politicians. This differentiation is not uniform, nor completely disparate. Instead, it coalesces around particular issues such as water and housing policies, or particular actions by the state and community workers and activists: the realities Pithouse (2006) grounds his theorising of community politics upon. Moreover, the consequences of local mobilising and organising cannot be assumed as bounded to the local. Local actions have ramifications at multiple scales, and their origins and inspirations also derive from the many scales of activist and community-based networks within and outside of South Africa. This complexity and plurality informs civil society organising, as well as the range of relationships that are generated between communities and the state.

Although urban political practices at the community scale highlight the presence of a diversity of political issues, strategies and arenas, rooted in historical and geographical differentiation within and across cities, at a discursive level, much resistance becomes packaged as anti-state, anti-neo-liberal positioning. Political action and community organising are grounded in local everyday life and local political spaces, yet they are also framed by and partake in the contestation of political decision making and discourses operating at city and national scales. The multiple positions and strategic engagements adopted by urban community-based movements, combined with the complex character of neo-liberal policies, produce often contradictory and always uneven politics that at times resonate with critiques of

neo-liberalism, but also articulate as locally specific issues. These politics and their complex articulations, although frequent under-theorised in academic and policy debates on local civil society in the context of neo-liberalism, also contribute to the politicisation of participation and engagement in state-driven processes.

This complexity is important because it shapes participatory practice and community engagement with these processes, democratic or otherwise. Importantly, complexity also means that contestation of participatory mechanisms — the ways in which communities do and do not engage with local government — needs to be read and analysed carefully to provide a more nuanced language for thinking through the question of where community systems and participatory mechanisms meet and miss one another. Contestation of state process, for instance, does not necessarily reduce to opposition to the state, nor can it be read as necessarily anti-hegemonic or anti-state. Ballard reflects on the consequences that follow when we do not make these distinctions:

> The responsibility for a utopian future is thrust upon local level struggles by the poor. In the process, effects are confused and conflated with intentions ….To fire up the troops it is necessary to know who the bad guys are, and to clearly draw the battle lines. They provide a black and white, good and bad reading which attempts to squeeze out ambiguity and exert an order on the world (Ballard 2005:91–92).

Situating the ways in which participatory mechanisms overlap and reduce the ambiguities through which community systems operate and the parallel ways in which such processes are contested in civil society is part of this chapter's project. Although operating at a smaller scale and in a language of democratisation, participatory mechanisms legislated by the state interlink and play with community structures and processes in ways that sometimes speak to one another, but at other times miss or even clash. The complexities of the state and of communities generate this discordance and situate the normalisation of participation and its inclusion of citizens and communities in policy processes and local governance, and their counterpart, exclusion and contestation.

Conclusion

> If we are to understand the condition under which democratic government can challenge both the structural and discursive hegemony of neoliberalism, and reinvent social-collective projects of transformation, we need to part company with deterministic models of both Left and Right that leave little room for agency, and romanticist views that pin all their hopes on resurgent civil societies. Instead we need to develop models of analysis that explicitly unpack

> the configurations and conditions under which social forces and political actors become agents of transformation (Heller 2001:159).

In relying on participatory mechanisms as the interface between communities and local-level organisations and municipal government, we face challenges and risks of substantiating democracy at a local scale (Harriss et al. 2004). Participatory processes get wrapped up in city-level and intraurban politics. Although such mechanisms are nationally designed and prescribed via legislation or policy practices, they are implemented at the local urban scale. They are thus readily subsumed in the complexities of South African cities, bound up in racial, class and place-based politics. Tensions embedded in the local provide one set of explanations for the contestation of participatory mechanisms in practice. Mohan and Stokke (2000), for instance, argue at a conceptual level that the 'new right' and the 'new left' are obsessed with an essentialist understanding of the local, thus discounting the practical realities that local inequalities and power relations produce and the ways in which national and transnational economic and political processes unevenly shape local contexts. In the South African context, this trend helps explain the uneven and irregular ways in which democracy is substantiated through local-government-driven participatory engagement in highly unequal and fragmented urban and rural contexts.

Although transformation of the state and society from the inequalities embedded in the apartheid system is a project initiated by the post-apartheid state and one in which state institutions play a central role, any process builds on the uneven and unequal links that tie together different parts of the state with communities and recognised and informal organs of civil society. Local government itself embodies a set of contradictions as an independent state sphere, yet one that is dependent on provincial and national funding and legislation that determine statutorily many of the participatory mechanisms it uses to operate in its jurisdiction. At the same time, it is representative of competing and often conflicting racial and class-based interests that reflect differentiation across cities, interests of variously aligned political parties, and powerful business and market forces. It is in this context that the local state negotiates its relationships in race-, class- and place-specific ways that structure a selective engagement between state and society. The state is not immune from politics, neither is it a neutral player, but rather a site of, an agent in, and a product itself of economic, political and social struggle.

This institutional and social infrastructure enhances in selective ways relationships with some sectors of society in some places and through particular state projects, as well as the processes, technical requirements, conceptual languages and politics that make some citizens and groups better able to be heard and seen by officials, politicians and state institutions, regardless of blanket statutory requirements for participatory local governance (Pillay 2005). It is difficult for participatory mechanisms to

overcome the power inequalities that structure and sustain governance processes. Policy makers who design them and officials and politicians who run participatory processes can be more open and respectful to their limits, however.

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ENDNOTES

1 Personal communication from F. de Vries, July 2006.

2 The argument in this section has been developed in Oldfield (2005).