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**Parliaments High Level Panel on the Assessment of Key Legislation  
Committee 3: Social Cohesion and Nation Building**  
16 March 2017

Attention: Committee 3 - social cohesion and nation building

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**Afesis-corplan comments to Committee 3 on social cohesion and nation building of  
the High Level Panel on the Assessment of Key Legislation**

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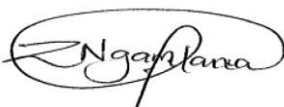
Afesis-corplan is grateful for the opportunity to make a submission to the High Level Panel on the Assessment of Key Legislation. This submission is made on behalf of Afesis-corplan ([www.afesis.org.za](http://www.afesis.org.za)) and the Democracy Development Program (DDP) ([www.ddp.org.za](http://www.ddp.org.za)), vibrant and dynamic development NGOs situated in East London and Durban, respectively. Afesis-corplan and DDP's work is aimed at deepening participatory democracy with a particular focus on enhancing good local governance. Their approach is community-centric aiming to empower and build active agency at the local level. This submission is based on experiences drawn from the work of both organisations over time.

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The essence of this submission is a call for a review of the legislative provisions and the mechanisms for citizen participation in local government. We argue that the original conceptual framework for citizen participation in local government is limiting and robs local government of opportunities to tap, in a meaningful manner, into the capacity, the energy and resources that rests within citizens to drive change. We acknowledge that efforts have been made in the past to strengthen these legislated mechanisms but argue that these served to only 'patch up the cracks' as the fundamental conceptual basis upon which they were proposed is limiting.

Yours faithfully,



Nontando Ngamlana  
Executive Director

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## **Submission 1: Active Citizenship // Active Agency: Reimagining a New Local Government**

### **Introduction**

The central message of this submission is a call for the establishment of mechanisms for citizen participation in local government that not only '*patch up the cracks*' relating to the challenge of using existing mechanisms (such as Ward committees, Integrated Development Planning fora, Sector Development Planning fora, Project Steering Committees, etc) to support participatory democracy as had been the case in the past, but to re-imagine a new role that citizens can play as co-drivers of change in local government.

Local government is the third sphere of government tasked with a developmental mandate. The 1998 White Paper on Local Government defined a developmental local government as one which is "committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs to improve the quality of their lives". The National Development Plan (2012, page 435-438) further expanded on this vision emphasizing that a developmental local government is one which is productive and inclusive, enabling poor people to develop pathways out of poverty through the provision of basic services, facilitation of decent jobs and livelihood opportunities for all.

Local government is expected to achieve this vision in a context in which the country's economy has grown at an increasingly slow pace, where the inequality gap has widened and wealth seems to circulate within the political or class elite; informal settlements have become permanent features in many towns as a result of increased rural-urban migration exerting insurmountable pressure on local municipalities to provide basic services to all. It is not surprising that by 2014, close to 63% of municipalities were 'dysfunctional or almost dysfunctional and in need of serious reform in order to meet the minimum standards for basic proficiency'<sup>1</sup>, a similar conclusion to that which it had reached in 2009 culminating to the Local Government Turnaround Strategy<sup>2</sup>. It is also not surprising that in 2016 the South African Cities Network noted lack of trust, poor service delivery, lack of accountability by elected representatives, a culture of patronage and corruption and ultimately, societal fragmentation as some of the challenges that confront South African cities<sup>3</sup>.

The global community is far ahead of South Africa in how it is crafting a different role for local government towards sustainable economic growth, peace and stability. Signs are emerging in South Africa of more definitive acknowledgement that transforming local government is imperative to achieving growth and stability. If radical economic, spatial and social justice are some of the countries key goals, it is clear that local government has to create a conducive environment for this to happen through strategic and visionary leadership, policy making, planning and resource mobilization.

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<sup>1</sup> CoGTA (2014) Back to Basics: available at [http://www.cogta.gov.za/cgta\\_2016/wp-content/uploads/2016/06/The-Presidential-Local-Government-Summit.pdf](http://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/The-Presidential-Local-Government-Summit.pdf)

<sup>2</sup> available at:

[http://www.gov.za/sites/www.gov.za/files/loc\\_govt%20turnaround%20strategy%2025%20November%202009.pdf](http://www.gov.za/sites/www.gov.za/files/loc_govt%20turnaround%20strategy%2025%20November%202009.pdf)

<sup>3</sup> SACN (2016) State of Cities report: found at South <http://www.sacities.net/state-of-cities-reporting/socr-2016>

**What do we need to do differently now in order to achieve a different result from that of the past?**

**Our proposal summarized**



Afesis-corporation and DDP argue that there is a need to rethink the role of active citizens in local governance as co-drivers of change. It is our view that while the legislative framework on local government allows for the participation and involvement of citizens in local governance, this framework conceptualizes this role in a very limiting manner, enabling citizens to participate as invited guests in local governance processes as opposed to partners and co-creators. The focus in the past has been on ensuring that citizens enhance planning and resource allocation through legislated mechanisms that allowed for little flexibility, creativity and innovation. The most cited criticism of present participatory mechanisms in local government has been that they do not shift power from local government officials to local citizens, thus rendering citizens invited guests in a process in which all decision-making power rests elsewhere (Good Governance Learning Network 2016).

This argument is derived from the emphasis on the word 'to encourage and to consult' (Section 152 (1) of the Constitution, Section 1 and 4 of the Municipal Systems Act, Section 19 of the Municipal Structures Act, etc) citizens in local governance that is predominant in most pieces of legislation around public participation. While we believe the intention behind the creation of these present mechanisms to have been noble and well-intended, we argue that it is time to appreciate that they have not worked well in delivering a developmental local government as envisioned. We further argue that if kept as they are, they will not deliver the future intended either.

We note with appreciation efforts in the past to strengthen these participatory mechanisms but believe that these fell short of delivering the developmental vision envisaged for local government. There is a need to re-imagine the role of citizens as partners in local government; appreciating the role they can play in the attainment of productive and inclusive institutions that enable poor people to develop pathways out of poverty through the provision of basic services, and facilitation of decent jobs and livelihood opportunities for all. It cannot be that it is government's responsibility alone to turn the tide of the present 63% dysfunctional municipalities where it would from time to time 'invite, encourage or consult' citizens to make comments on Integrated Development Plans and Budget drafts, as has been the current entrenched practice.

In limiting the role of local citizens in this manner, government robs itself of an opportunity to tap, in a meaningful and targeted manner, into the capacity, resources, ideas and energy that rests within its citizens. We argue therefore that the role of and mechanisms to facilitate citizen participation in local governance was ill-conceived, it is limiting, it robs local municipalities of an

opportunity to create inclusive cities, creative and meaningful partnerships with local citizens and to rally resources in the locality towards a common vision.

We argue that if local government is made up of (i) the political structures and administration of the municipality; **and** (ii) the **community** of the municipality.” (Section 2(b) Municipal Systems Act) then all must be afforded opportunities to articulate the vision and to contribute towards its attainment in meaningful, creative and innovative ways. This calls for the creation of meaningful partnerships and the transfer of power to drive socio-economic change and development. In this role, local government becomes the facilitator of development working with various partners all contributing towards the same goal. This future is possible, only outside of the narrow participatory mechanisms in place which are aimed at facilitating participatory local governance.

We therefore call on government to:

- 1) Introduce clauses in legislation and mechanisms through which it will incentivize municipalities to innovative in facilitating effective involvement of citizens in driving towards sustainable positive change;
- 2) Review current legislation such that it supports the establishment of these innovative participatory mechanisms and processes;
- 3) If time permits, given the time constraints of the HLPKL, Afesis-corplan, DDP and others are willing to engage the HLPKL in unpacking what some of the more immediate short term legislative changes could be and to support municipalities in piloting these innovative and alternative participatory mechanisms.