

Subtheme Paper

Enhancement of Democracy through Empowerment of Disadvantaged Groups

Nico Steytler

Abstract

Local government is increasingly seen in federal systems as a key institution for enhancing democracy and advancing development. Because local government is the closest order of government to the people, it also carries a major responsibility of making the political institutions of the state inclusive of disadvantaged groups, including women. In their day-to-day governance, local government institutions may be the most responsive to civil society in general and to disadvantaged groups in particular. Yet, local government does not always achieve the twin goals of democracy and development. Disadvantaged groups are by their very position of marginalization excluded from political decision-making. All too often the very groups that are the target of development are ignored in the decisions aimed at improving their well-being.

An inclusive local government, serving the interests of the entire community it is composed of, is vital for the sustainability of the institution and the enhancement of democracy. To secure an inclusive democratic institution, local governments must meet

* I wish to acknowledge the assistance of Megan McDermott, an intern of the Forum of Federations at the Community Law Centre.

three challenges: (1) empowering disadvantaged groups, including women, by involving them in local governments as elected representatives and managers; (2) making decision-making more participatory; and (3) making participatory decision-making more inclusive also of disadvantaged groups, including women.

This paper commences with an outline of the role that local government plays in enhancing democracy in federal systems. This is followed by identifying key challenges facing local government in performing this function. The last section deals with good, better, and best practices that federal countries can offer in making local government the champion for the inclusion of disadvantaged groups and entrenching an interactive relationship with civil society.

1. Local Government and Democracy

Local self-government plays a critical role in enhancing democracy in federal systems; it brings government closer to the people through both representative and participatory democracy. It allows for the deepening of democracy by facilitating the participation of minorities and disadvantaged groups.

1.1 *The Value of Local Democracy*

By its very nature, local government brings government closer to the people, making the translation of community preferences into responsive policy and programmes more likely. Locally based decisions are often more practical and sustainable in that they acknowledge and accommodate local diversities and historic complexities that may exist within a particular locality. Only with the full cooperation of the local community, then, can development projects succeed.

With decentralized decision-making entrenched, the creative energy of the people can be harnessed. One of the underlying rationales of decentralization is the possibility for innovation and experimentation that it offers subnational units. Innovative policies and practices in one municipality may be modified and replicated in

others as well as adopted by the national government. By allowing space to different entities, not bound by a single one-size-fits-all approach, decentralized decision-making makes it possible for local governments to experiment with innovative ideas.

Participatory democracy can also be more readily put into practice in local arenas, thereby allowing the community to identify more with its political institutions and fostering a sense of ownership over common resources. The proximity of citizens to their elected representatives also makes it easier to call the latter to account.

It is often argued that the devolution of power to local government strengthens multi-party democracy. Where political parties also function locally, it often results in different political parties governing at different levels of government. Decentralized governance can thus temper the domination of a majority in favour of minorities. Where multi-party democracy is thus not restricted to elections, it entrenches the politics of multi-party accommodation.

Democracy at the local level is not only a value in itself; it also is of immense value in deepening multi-party democracy in the other orders of government as well. The degree of democratization of local government affects the prospects of national democratic governance. Pluralist politics must be learned, and local governments make a good school.

Given the importance of local government in enhancing democracy, it should be inclusive of the entire community it represents, including disadvantaged groups.

1.2 *The Inclusive Nature of Local Government*

Local government, conveniently referred to as local authorities or municipalities, has its roots in the political organization of close-knit villages and towns. Even today, the majority of municipalities are still small, village-type authorities, be they in Germany, Switzerland, or India. But increasingly, with urbanization, the majority of the population resides in urban areas often governed by large metropolitan municipalities.

Given their roots in village life, local authorities are premised

on the notion that the municipal institution belongs to the inhabitants of the locality. In some jurisdictions, the municipality, often referred to as a municipal corporation, is thus described as a form of *universitas* of persons; a new entity (the body corporate) is created by law out of a group of persons and then endowed with a distinct juristic personality. Given such a premise, the elected representatives of the municipality, forming the municipal council, are merely the agents of the body corporate comprising the inhabitants. The relationship between the council and the inhabitants is thus described as a trust or fiduciary relationship, and it is not unlike that between a board of directors and the shareholders of a limited liability company.

Given that a municipality is the *universitas* or corporation of the inhabitants of a demarcated locality, any member of that *universitas* has the right to have his or her say in how the *universitas* is governed and how decisions are made that benefit the entire community. He or she participates in the affairs of the municipality and calls representatives to account by virtue of being a member of the *universitas*. Municipal decisions may be questioned, not because a resident's rights or a particular interest has been affected, but because every resident is a member of the *universitas*.

This notion of local government has three important implications. First, the authority and legitimacy of the municipality are derived from its inhabitants, not from the fact that it is appointed or created by any superior order of government. Second, the municipality must represent all its members. Third, as constituent members of the municipality, the inhabitants must take an active part in the governance of the municipality. These implications pose the major challenges to local government in the context of federal systems. The first challenge is whether the municipalities have a sound democratic basis and the ability to make decisions that matter for the inhabitants. The second challenge is whether municipalities are indeed presenting, and working for, all their members. The third challenge is whether the inhabitants can mobilize themselves effectively through civil-society formations in order to be a full partner in governance. The practice of local self-government suggests that these challenges are not always met.

2. Challenges Facing Local Government

Local government is not always self-governing and, frequently, not inclusive of all communities it is comprised of with regard to both its composition and its decision making.

2.1 *Lack of Local Self-Governance*

The local government system is premised on representative and participatory democracy, requiring a bottom-up approach to governance. The converse is often the case, however. Local government policy is often dictated by state/provincial government (and, in some cases, even the federal government). Where municipalities cannot determine the contours of their development (goals as well as performance targets), the very purpose of a democratic local government is undercut, rendering them mere appendages of state/provincial government. Not only does that often result in unfunded mandates, but it also creates a democratic deficit. Development is no longer shaped by the communities themselves. Where there is little scope for local initiative and when local decisions are readily overridden by superior orders of government, the interest in local politics and participation in local elections inevitably declines. If major decisions are made elsewhere, there is *a fortiori* little scope for public participation on those decisions. Where local authorities are, then, mainly concerned with trivial decisions, low voter turnout, evident in many countries, is inevitable.

2.2 *Lack of Inclusive Local Government*

Local government is frequently not inclusive in terms of political representation or decision-making, resulting in policies and actions that often do not address the needs of disadvantaged groups, including women.

It is well documented that, in general, women in both the North and the South are under-represented in municipal councils, are infrequently elected to civil leadership positions, and seldom occupy management positions in municipalities. Overall, less than 20 per cent of councillors are women (the exceptions are dealt with

later), showing great variation between countries and continents. Furthermore, when women enter local politics, they do not stay long in politics, often as a result of having to balance the competing demands of home and public life.

In many urban centres, the divide between the haves and the have-nots is stark. The urban poor, often living on the periphery of the cities, do not always have access to the basic services. Their voices are not heard on the need for access to housing, water, fuel, transport, and security. It is said that, whatever its broader structural causes, poverty is always experienced locally. Typically, it is also women who bear the brunt of urban and rural poverty. Women, more than men, deal with the basic services such as water, fuel, sanitation, primary health care, waste disposal, and transport. Illiteracy or poor education exacerbates the difficulties of access to municipal services. The problem is compounded by the growth of very large metropolitan areas. To cope with the management of these areas, equally large local authorities are established. The result is that the distance between the municipal authorities and the inhabitants increases, and it is the poor and disadvantaged communities living on the periphery that experience the lack of proximity of local government the most.

Another disadvantaged group that local governments must include are indigenous populations in countries as diverse as Mexico, Canada, Australia, and the United States. After decades of marginalization, the indigenous residents of Chiapas, Mexico, staged an armed rebellion in 1994. One of their key demands was the right to develop municipal governments where indigenous communities formed the majority of the population. In Canada, nearly half of Aboriginal Peoples (or First Nations) live in urban areas. Not only have these peoples suffered from a lack of political representation, but they have also been marginalized in terms of service delivery. In a study of eight municipal councils located in areas with a high indigenous population (10,000 or more), only 6 of the 36 elected officials were Aboriginal. As of 2005, only one municipality, Winnipeg, had established a policy endorsing partnerships with Aboriginal leaders and organizations to address and accommodate urban Aboriginal needs.

The exclusion of disadvantaged groups from policy attention is a further manifestation of some municipalities becoming inwardly focused—vehicles for self-serving elites—rather than being community-centred and development-directed. The ultimate form of a self-serving institution is corruption in its various forms. Corruption and elitism, even if they exist only as perceptions, are a real threat to an effective and democratic local government as participation in elections and other processes decreases where the image of politicians and institutions is poor. Becoming inwardly focused is often the product of poor leadership; state institutions are not seen or used as vehicles to advance the community.

2.3 Lack of Civil-Society Structures

Within a democratic form of government, citizens act most effectively through their civil-society formations, be they political parties, social movements, faith-based organizations, or other non-governmental organizations. While strong civil-society structures are most often encountered in rural areas, the millions of poor people living in the impersonal if not hostile environment of large metropolitan conurbations are often ineffectively organized in civil-society formations, further exacerbating their marginal status.

3. Strategies for Empowering Disadvantaged Communities

In most federal countries with a written constitution and a bill of rights, citizens, including members of disadvantaged groups, can rely on an anti-discrimination clause to assert equal political rights and access to state services. Impermissible grounds of discrimination usually include race, ethnic origin, culture, language, religion, gender, disability, and, increasingly, sexual orientation. Such formal guarantees are often not in and of themselves enough to address issues of marginalization of disadvantaged groups, but local government may do much to give effect to the ideal of equality. An inclusive local government is likely to serve the interests and honour the rights of all its inhabitants. Involving women in planning and

managing basic services is likely to improve the services by making them more socially and culturally responsive. It has been shown that providing more frequent and safer public transport has improved women's employment opportunities. Whereas unsafe cities restrict access to services and economic mobility, local governments can plan for women's security both domestically and in public places. The same applies to persons with physical disabilities. For example, wheelchair access to public buildings and transport makes services and job opportunities more accessible to this disadvantaged group.

Although local government cannot by itself address the many deprivations that make up poverty, the focus and manner of service delivery can reduce poverty. Many deprivations can be reduced through solutions developed and implemented locally in partnership with the concerned communities.

Strategies to empower disadvantaged groups run along two tracks. The first is concerned with making the institutions of local government—both the elected representatives and the administrations—more inclusive. The second track seeks to ensure that the decision-making processes are participatory of the community, including disadvantaged groups.

3.1 Making the Institutions of Local Government More Inclusive

The first challenge is how disadvantaged groups, including women, can be empowered by involving them in local government as elected representatives and managers. How can the relationship between disadvantaged groups and local government be reformed to ensure a better dialogue that may result in a more equitable distribution of resources? The most visible priority has been getting more women and members of minority groups elected as representatives.

3.1.1 Better Representation of Disadvantaged Groups

A starting point for making elected local councils more representative of the population is the electoral system. Across the world,

the pattern has been that electoral systems with a proportional representation (PR) element consistently produce a higher percentage of women representatives. The same applies to other disadvantaged groups; in a PR system there is space for smaller, localized parties because they are not shut out by large parties that thrive in majoritarian systems.

The most drastic approach has been the imposition of legally enforceable quotas for women and designated disadvantaged minority groups. Less intrusive, but no less effective, have been political parties adopting policies that give effect to gender equality. Quotas entail reserving a specified number of seats for designated social groups. In countries where women have historically been excluded from politics, such as India, South Africa, Argentina, and Pakistan, quotas have been used as a “fast track” to gender equity.

India has been the foremost example of how, through constitutional amendments in 1993, the status of women in political representation has been enhanced considerably. A third of all seats in the panchayats (rural local authorities) and urban municipalities must be reserved for women. This quota also applies to the heads of all local bodies; a third must be women. This has meant that out of 3.2 million members elected in local authorities, more than a million are women.

In other countries, quotas have been sought and implemented through non-statutory means. In South Africa, it is a statutory goal that all political parties should seek 50/50 representation of men and women. Although this is not an enforceable obligation, the African National Congress (ANC) has adopted this policy, and 48 per cent of all its candidates were women in the 2006 local government election. Of the elected councillors, 46 per cent of the ANC members were women, with the overall percentage for all councillors standing at 40 per cent. Unlike India where the one-third quota also applies to leadership positions, only 15 per cent of the mayors in South Africa are women. Recent experiences in Queensland, Australia, suggest that if more women were encouraged to be councillor or mayoral candidates in municipal elections, the percentage of women holding such offices would likely increase.

A particular challenge linked to the imposition of gender

quotas is the perception of “token women”. Also called “proxy women”, these representatives can be seen as being placed in local councils as stand-ins for their husbands, who are the actual decision-makers. There are indications that in some cases, “quota” women are indeed symbolic. This tends to be especially true where the women do not have a constituency of their own or no support base in their party. However, women have impacted meaningfully, it has been found, when they are sufficiently empowered, informed, and confident. These attributes require, however, capacity building and training by civil-society organizations. This was the experience in India where, after 1993, the new representatives benefited from capacity-building initiatives driven by NGOs.

A more difficult question is the inclusion of marginalized groups other than the easily identifiable women. The Indian Constitution provides that seats in the local government structures must be reserved for scheduled castes and tribes in proportion to their numbers in the total population of the local area. State legislatures are further empowered to provide for the reservation of seats for so-called “backward classes of citizens”. In Russia, some constituent units have established a fixed number of seats in their legislature for representatives of Aboriginal peoples.

3.1.2 *More Responsive System of Representation*

Election to a public office is not an end in itself; equally important is keeping the elected representatives to their promises. This is also of importance for persons of disadvantaged groups who may drift away from their constituencies on the flood of cooption and benefits of office. At this point, the objective is to ensure continuous engagement between the voters and their representatives.

Ideally, the ratios of local representation will be small enough to ensure that all municipal councilors are “within reach” of their constituents. However, given the reality of ever-increasing urbanization, such “close” relationships may not always be possible. The usual requirements of report-back meetings to constituents may not always be effective. Another response has been the establishment of a committee of citizens in the ward of each elected representative with the aim of seeking accountability and ensuring an effective channel of communication with the municipal council.

In South Africa, such ward committees, chaired by the ward councillor, are composed of a maximum of ten members who must be elected in a manner that reflects the equitable representation of women as well as the diversity of interests in the ward. This system is intended to ensure that a diversity of interests is taken into consideration, which have not been accommodated through the formal political process of elections.

The most effective method of ensuring accountability is arguably the right of citizens to recall a representative during the term of office. The Canadian province of British Columbia recently enacted legislation affording its citizens the right to recall members of the legislative assembly. In various jurisdictions of the United States, municipal councillors and mayors may be recalled by their constituents. The most celebrated US state case was the recall of Governor Gray Davis in 2003 and his replacement by Arnold Schwarzenegger.

It is in the large metropolitan governments where participatory governance becomes the most tenuous. In response to this problem, political structures below the municipal level are often provided for to maintain grassroots contact. The unicity of Winnipeg introduced ward committees, and in the metropolitan city of Toronto, the community councils envisage a citizen participatory role. The Spanish Local Government Act of 1985 also provides for submunicipal units with an elected council for urban municipalities. In South Africa, metropolitan councils may institute subcouncils with the explicit aim of enhancing communication between the residents and the council. Subcouncils entail the grouping a number of wards together and delegating some decision-making powers to them, an option only exercised thus far by the City of Cape Town. The usefulness of such citizen participatory structures lies, however, in the level of community participation and perceived influence they have.

3.1.3 Management of Local Government is More Representative

In any given system of government, the managers wield power and none so much as in local government where the elected representatives are often part-time. It has thus been argued that gender equity should also apply to the local government institutions themselves

to ensure sensitivity to gender issues. As noted earlier, statistics show low percentages of women in senior management positions, even in countries such as India and South Africa where high percentages of women are elected to office. The situation is echoed in Australia where women make up less than 10 per cent of senior executives. Gender representation could be addressed through employment equity policies as well as making the workplace more conducive for the employment of women. The same could apply to the employment of other minority groups.

3.2 Making the Decision-Making Processes of Local Government More Participatory

Representative democracy is only one side of the coin in local democracy; equally important is the practice of participatory democracy between elections. Participatory democracy cements the interface between civil society and local government. It is, however, a balance to be struck between the right and duty of the elected leaders to give leadership, yet at the same time to be attuned to the changing needs and preferences of the various communities served by the representatives. Good governance has thus also been universally defined as including inclusive decision-making processes. The second challenge is thus how local government can become more participatory in its decision-making.

The benefits of an effective system of community participation are manifest. By getting actively involved in public affairs, citizens identify themselves with the institutions of local government. Most important, it provides civic dignity to those who participate by having their voices heard and taken account of. The greater the participation in the law-making processes, the more likely is the acceptance of the law and its effective implementation.

3.2.1 Participating in Key Decision-Making Processes

Participation in decision-making processes is meaningful where they are concerned with the key decisions that must be made by a municipality. These decisions include the development of an annual

or multi-year strategic plan, the annual budget, the passing of by-laws, and decisions about the delivery of basic services. There are examples from across the world of how these decisions are increasingly subject to local scrutiny and participation. In Brazil, for example, local governments are required by law to incorporate civil society into their deliberative procedures. Brazil's testing of "participatory budgeting" has reportedly been very successful. In South Africa, a compulsory consultation process is also required before a municipality adopts its integrated development plan and budget or outsources any municipal service.

3.2.2 *Direct Democracy*

The clearest example of participatory democracy is where citizens decide key issues themselves. The prime example is Switzerland where the constitutions of most cantons give citizens the right to decide directly the most important decisions through referenda. These issues include budgets, investments, user charges, regulations, the sale or purchase of public property, and so forth. Although such systems make decision-making slower and cumbersome, they strengthen checks and balances.

Akin to referenda is the initiative power in the United States whereby citizens themselves can bypass the regional or local legislative body to enact laws or constitutional amendments directly on their own through the ballot box. The initiative power is available in 24 US states and in Washington, DC.

3.2.3 *Methods Facilitating Participatory Democracy*

While there is a variety of principles and practices, a number of basic elements are found in most participatory systems. The first element on which community participation is built is transparency in municipal decision-making. Although public disclosure is a one-way communication, it lays the foundation for a dialogue with the community. Most countries require that municipalities make public important documents such as the development plans, budget, property rates assessments, tariffs, service-delivery agreements, annual financial statements, sale of assets, and the like. The functioning of the municipal council must also be transparent. The holding of

council meetings must be announced, and they should be open to the public. An important component of the public participation strategy is the communication of information concerning the available methods of participation and the encouragement to use such methods. Household knowledge of participative mechanisms will no doubt increase the willingness of the public to complain as well as provide information about community priorities.

The second element is the entitlement of residents to communicate their demands and grievances to their local authority. The right to petition has deep roots in the democratic tradition, and in many municipalities, there are specific procedures to follow. Once received, the complaint must be dealt with expeditiously.

The third common element is consultation. It comes in various forms and shapes, the overall objective being that the municipality actively seek the views of the community and consider such views once received. Consultation includes the following: least proactive is the publication of a notice in the media calling for comment on a particular matter. If no comments are received, the municipality proceeds with the decision-making process. More proactive is the holding of a public meeting to hear views on the pertinent issue. In this line, a municipality may purposefully seek out the views of specific communities that may directly be affected by a decision.

3.2.4 Communalization of Services

A concrete form of participating in decision-making is where community-based organizations (CBOs) and NGOs provide specific services in partnership with local authorities. In a number of countries, including India and South Africa, municipalities have engaged CBOs and NGOs to provide basic municipal services such as small-scale water supply and refuse removal. Such a municipal community partnership usually entails that, in consultation with a community, a particular service is provided to that community by locally elected or appointed community members. The benefits of such partnerships are that they not only stimulate local economic development, but also can, through the CBOs and NGOs, effectively respond to and meet at least some basic needs of the community.

3.3 *Making the Participatory System of Decision-Making More Inclusive*

While civil-society participation in local government decision-making acts as a counterweight to secret lobbying and influence peddling of the powerful groups in society, it is, not surprisingly, the better organized and well-off sectors of civil-society that exploit the opportunities for participation. However, participatory processes remain vital to disadvantaged groups. While access to the political systems through formal processes may be difficult and costly, community participation is much easier and direct, providing opportunities for those who are disempowered in societies with great disparities in wealth and influence. The third challenge is thus how to make participatory processes of decision-making in local government more inclusive of disadvantaged groups, including women.

The mere fact that avenues for dialogue exist does not mean that they are routinely used by disadvantaged groups. The very fact of their marginalization often is the obstacle to engaging the local authority. The question is then: how to bring the disadvantaged groups into the circle of dialogue. It has thus been argued that municipalities must not only encourage civil society to participate in the affairs of the municipality but must also create the conditions conducive for such participation. That is, local government must also contribute to building the capacity of the community to participate in the opportunities for participation.

To ensure that political, social, and economic priorities are based on broad consensus and that the voices of the poorest and most vulnerable are considered in decision-making, local governments often have to deviate from traditional consultative and communication procedures. In South Africa, it is thus a statutory obligation that when implementing community-participation strategies, the special needs of people who cannot read or write, people with disabilities, women, and other disadvantaged groups must be taken into account.

These measures apply to the three elements of community participation. To realize the aims of transparency, the communication of important documents and announcements must be effective in relation to target audiences. Due cognizance must be taken

about the language preferences of the communities, the style of presentation, and the medium of communication. Formal notices should be complemented by synopses in local newspapers and radio broadcasts. More recently, the posting of documents on municipal websites became an attractive option but then only for those with Internet access. In the Australian state of Victoria, the following suggestions have been made to involve more Aborigines in local affairs:

- send material and information to local Aboriginal organizations about the electoral and participatory processes of the municipality;
- provide translations of public documents in Aboriginal languages;
- provide translators at public meetings and in public offices;
- advertise information and opportunities in Aboriginal media; and
- send invitations to attend and participate in council sessions.

As the petition procedure is the residents' right of communication, the prescribed procedures should be accessible to disadvantaged groups. The insistence on technical and formal requirements usually results in disgruntled residents voicing their disapproval on the streets. To protect the interests of such groups, municipalities in South Africa must ensure that someone is available at municipal offices during office hours to transcribe comments from people who cannot write. This option has to be communicated to the public, and the notice must publicize the name of the staff member(s) responsible for transcription.

The proactive strategy of community consultation is perhaps the most challenging and rewarding. The consultation procedure should, however, suit the community whose opinion is sought. As mentioned earlier, language preferences need to be taken into account as well as the special needs of illiterate people. A pilot project in the townships of Cape Town, South Africa, is underway in which informal settlement dwellers and formal township residents are being engaged with respect to water regulation. Community liaison officers are provided for each linguistic group and are

working with existing community structures to consult locals about water needs and the setting of tariffs for use.

In order to integrate the most impoverished citizens in decision-making, it may be necessary for local governments to use a door-to-door approach, as the poor often cannot afford to leave their homes to go to meetings. Transportation to and from meetings, provided by the local government, has been suggested as well. The provision of childcare may also create more opportunities for women to participate.

The empowerment of disadvantaged groups and the interface between civil society and local government depends on the full participation of civil society. A dialogue requires two partners. Local government may provide the structures and processes for the dialogue to take place, but civil society bears the responsibility to respond to the challenge of making the dialogue complete. A well-organized civil society, also through political party formations, which are active locally in many countries, is thus a critical component in this dialogue.

4. Conclusion

For the enhancement of inclusive democratic government locally, two essential ingredients must come from the community itself. The first is an inclusive elected leadership whose explicit and manifest goal is to serve the entire community. The second ingredient, which supports and holds the former accountable, is an active civil society. An inclusive form of participatory democracy requires that all members of the local community claim their rightful place in local government. This requires a strong civil society that can interface with local government in an informed and directed manner. In particular, strong grass roots organizations can articulate the needs of the members more effectively and engage local government in the spaces available for participation on key decisions for more effective local solutions. Only when civil society reflects all the inhabitants, including the disadvantaged groups, does the promise of the municipality being the *universitas* of its inhabitants become a reality.