

Local Government Leading the Empowerment of Disadvantaged Groups

The Cases of India and
South Africa

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1. Introduction

According to the World Bank empowerment is the “expansion of assets and capabilities of poor people to participate in, negotiate with, influence control and hold accountable institutions that affect their lives”. Therefore, empowerment is essentially a political process. The centrality of the notion of empowerment is located in the dynamics of sharing, distribution and redistribution of power, which has a basis of legitimacy. In a democracy the state draws legitimate power from the people and this power should flow back to the people through the process of empowerment. Empowerment of disadvantaged groups cannot be completed without their participation in the political process, and thereby enhancing their control over society’s resources.

While there are many forms of empowerment, this paper is confined to empowerment in the form of the extent to which the

institutions of local government are representative of the disadvantaged groups in society (*representative* democracy), and whether those disadvantaged groups have a voice in the decisions that affect them (*participatory* democracy). By the same token, while there are many categories of disadvantaged groups, the term is used in this paper only to refer to women and the poor or marginalized.

2. To What Extent have Local Governments Lead the Empowerment of Disadvantaged Groups in India?

Indian society has been historically iniquitous. Religion ordained hierarchy amongst the majority Hindu population ensured that certain castes were accorded higher ritual status than others. The caste system subsequently turned out to be a vehicle of discrimination and oppression. At the lowest rung of this hierarchy were backward classes were Other Backward Classes and the Scheduled Castes. Tribals living in remote areas, though not part of the caste system, remained undeveloped and marginalized. These groups have been subjected to various kinds of social, economic and political exploitations, oppressions and harassments.

Women in India have traditionally been accorded low status and lesser rights in all spheres of life. Though they constitute roughly 50 per cent of the total population they received only a small share of development opportunities and little say in political, social and economic matters. They have often been excluded from education, better jobs, from participation in political system and from adequate health care.

With the dawn of independence and the adoption of the Republican Constitution, several constitutional and statutory measures in the nature of "Affirmative Action" were taken by parliament and the government of India, which improved the status of women, Scheduled Castes and Tribes, and Other Backward Classes in India. The most significant landmarks in this direction were the 73rd and 74th Amendments to the Constitution in 1992.

2.1 *Historical Background*

Panchayats have always been an integral part of Indian society, much before there was any statutory prescription for it. In ancient and medieval India, gram panchayats were self-sufficient and autonomous administrative units. They not only engaged in running the day-to-day affairs of the village but also had a great influence on the overall economy of the state, and the lives of the inhabitants. The medieval temple towns of the south are good examples of these arrangements. Mahatma Gandhi foresaw the strength and potential of the local bodies and strongly advocated the distribution of power to the villages. During the British colonial rule the state had consciously distanced itself from the people for obvious reasons. However, even after India's independence in 1947 and the inception of democracy, the popular alienation continued. The distance between the decision-makers and those affected did not narrow significantly and no mechanism of popular consultation and participation was put in place.

The top-down approach to planning seriously hampered the true spirit of democracy and led to lopsided development. Policies and plans were conceived without adequate appraisal of the ground-level realities, and appreciation of the needs of the people. This approach failed to realize the development objectives of the government, both in terms of the macroeconomic targets as well as social justice. The most disadvantaged groups were also the most alienated in this approach, as they neither had any say in deciding the development strategies and goals or in monitoring their implementation and holding accountable the bureaucracy implementing it. The stated objective of the Indian state was to "secure to all its citizen justice, social, economical and political". With annual GDP growth rate stagnating at around 4 per cent, 40 per cent of the population surviving on less than a dollar a day, caste and gender based atrocities remaining as frequent as ever, and the political power remaining concentrated with the upper castes and classes, this promise was far from being realized. Against this backdrop the government brought in a new framework to enable popular participation in

governance in the form of 73rd and 74th Amendments to the Constitution.

2.2 Concept of Local Government in the Indian Context

In India, local government represents the third tier of the system of governance. The national government administers certain competencies as prescribed in the Constitution throughout the country. These include competencies like foreign affairs, defence, currency, communication, and railways. At the middle level, the states also have their jurisdiction over certain competencies like land administration, police, public order, health, and education. Local governments, or municipal corporations or municipalities (collectively called urban local bodies or ULBs), in the urban areas and panchayati raj institutions (PRIs) in the rural areas, represent the last tier of this system.

The 73rd and 74th Constitutional Amendments were a path-breaking event to strengthen local government in India. The Act envisaged decentralization of powers, duties and resources from state government to local government. Decentralization in a democracy is critical for its success. Decentralization empowers society in general to question the actions of bureaucrats and democratic representatives, use of government money and resources, allocation and implementation of works. This power itself deters corruption. Decentralized governance seeks to tap local initiative and practices by involving grass roots organizations such as self-help groups. The decision-making is done by all interest and pressure groups, ensuring that planning at the local level makes the best and most effective use of the resources available.

2.3 How the 73rd and 74th Constitutional Amendments have Helped in the Empowerment of Disadvantaged Groups

The main features of the 73rd and 74th Amendments can be summarized as follows:

- (a) It envisages a three-tier system of PRIs; gram panchayat at the village level, panchayat samiti at the intermediary level and zilla parishad at the district level.
- (b) Elections to all the seats to panchayats at all levels are direct where as the post of the chairman at the intermediate and district levels are indirect. The mode of election of the chairman to the village level has been left to the respective state governments to decide.
- (c) Seats have been reserved for SCs and STs in proportion to their population at each level.
- (d) Women have been provided a reservation of 33 per cent in both the reserved and non-reserved categories.
- (e) Similar reservations have been made in respect of the office of the chairpersons.
- (f) The state Election Commission shall conduct elections to these bodies every five years.
- (g) A Finance Commission must be appointed every five years to make recommendations regarding distribution of revenue between the PRIs and the state, grants-in-aid and recommend measures to strengthen the financial position of the panchayats.

The intent of these reforms is revolutionary. It seeks to alter the power structure of society by transforming those structural arrangements which legitimizes the subservient or subordinate position of the disadvantaged groups like women, SCs/STs and OBCs. The enactment of the 73rd and 74th Amendments provides psychological empowerment and a sense of political efficacy to those who had been left powerless, to influence public decisions that affect them. The electoral outcome in terms of women's participation has been very encouraging in certain cases, not merely in the constituencies reserved for them but also in general constituencies where women contested and won. In many cases the percentage of women elected to the PRIs exceeded the reserved quota. The first election to the PRIs after the 73rd Amendment Act suggested that in Karnataka 43 per cent, in Madhya Pradesh 38 per cent and in West Bengal 35 per cent of the elected positions in the PRIs was held

by women. Karnataka had an all-woman panchayat in Mydolalu village in Bhadrawati taluk in Shimoga district. The election of 2002 to the ULBs of Kerala proves that given an opportunity women are capable of assuming powerful positions and making meaningful decisions and implementing them too. The percentage of female representation in the municipalities was 36 per cent and in the corporations it was 35 per cent. If we compare these figure with the elections held in 1995, it is clear that there has been an increase in the percentage of female representation (see table below).

Women's Representation in ULBs in the State of Kerala in Elections of 1995 and 2000

<i>Urban Body</i>	<i>Total Wards (Year 1995)</i>	<i>Representation (%)</i>	<i>Total Wards (Year 2000)</i>	<i>Representation (%)</i>
Municipalities	1568	34.7	1597	36.88
Corporations	208	34.7	298	35.07

Apart from contesting elections and getting elected to PRIs, women have played an important role in imparting leadership, sincerity and commitment to development work. In the state of Uttar Pradesh, it was found that the empowerment processes has certainly brought about a marked change in the knowledge, attitude, status, lifestyle and self-identity of the elected women. Participation in PRIs has given them a chance to discuss and understand politics and power. The elected women gave priority to issues like:

- Job creation for women
- Improving health and drinking water facilities; and
- Addressing the issue of violence against women.

Elected women in some states have taken part in protests and rallies against low and discriminatory wages and for basic civic amenities like drinking water. Some are reported to have participated in demanding better implementation of government schemes and have disseminated information about government schemes amongst those for whom they were meant. In Ernakulam district

of Kerala state, women representatives of the panchayat strived for the enrolment of children in school and reducing incidences of drop-out. Studies have indicated that the attendance of women in panchayats has been consistently higher than that of men in the north Indian states of Rajasthan, Madhya Pradesh, and Uttar Pradesh, though these states are known to have strong patriarchal societies.

Similarly, several instances can be cited where SC/ST representatives have used these institutions to further the cause of justice and equity. While in the initial years such representatives did function as proxy office bearers, with time their assertiveness has increased. Studies conducted in the state of Karnataka indicate that the representation of the Most Backward Classes rose to the extent of 30 per cent of the total number of seats in the PRIs in the year 2000 and they together with the SCs/STs accounted for 60 per cent of all the positions, thereby decisively eroding the dominance of the landed Lingayat and Vokkaliga communities. The elections 2001 in Bihar led to increased representation of SCs and Most Backward Classes at the positions of mukhias (sarpanches) in the areas which had witnessed a high level of discrimination against them at the hands of upper castes.

Local government in India is instrumental in bringing economic empowerment to the disadvantaged groups. There are several government sponsored schemes like the National Slum Development Programme, Jawaharlal Nehru's National Urban Renewal Mission and other poverty alleviation programmes run by panchayats and ULBs. These schemes ensure employment to the poor through training, skill development and by providing backward and forward linkages. In the state of Andhra Pradesh many thousands of women are able to change the course of their live through self help groups. These groups are assisted by the ULBs in every possible way. ULBs in Andhra Pradesh are implementing the slum development programme, under the name "Andhra Pradesh Urban Services for the Poor". It is based on participatory appraisal. The inhabitants list local needs and play a very active role in implementing and monitoring civil and other works.

From the above analysis it becomes clear that the women, SCs/STs and OBCs have come a long way since the new framework for

local bodies was introduced. During this fourteen-year journey, the reservation given to them in PRIs and ULBs has helped them in becoming a part of the governance in their villages and towns and now they are in a position to determine their future as well as that of their constituency. The experience of these years, however, has brought to the fore certain issues which need to be addressed to realize the full potential of these institutions.

2.4 Challenges

2.4.1 *Weak Gram Sabhas*

Gram sabhas continue to function imperfectly in most of the states since they have limited powers and only meet sporadically, largely at the instigation of local bureaucrats. Attendance in gram sabha meetings is generally poor as substantive issues are rarely discussed, with the result that they do not provide an effective platform for deliberation of local policy options and programme priorities. For these reasons popular oversight is weak and the accountability of elected representatives cannot be ensured.

2.4.2 *Proxy Representation*

While representation of the disadvantaged groups has been ensured by the reservations discussed above, in many instances the traditional elite still dominate the PRIs and its decision-making. Many elected representatives are only proxy candidates for the traditionally dominant castes and landed sections. Even though many women have found a place in the PRIs, their male family members often exercise most of the power on their behalf. Influential male relatives influence decision-making and control resources. Outspoken Scheduled Caste and female representatives often have to contend with violence, ostracism or non-cooperation from dominant interests.

2.4.3 *Misplaced Priorities*

Enhanced numerical presence in PRIs of the disadvantaged groups has generally not translated into sustained pro-poor development outcomes, at least not at a significant level. This tends to reflect

the limited resources at the disposal of panchayats and the limited power they possess to determine local expenditure priorities. Moreover, the resources available for social welfare programmes in the form of subsidized housing and employment generation are spread very thinly, with the result that only a handful of individuals receive these benefits each year. Without a much greater devolution of financial resources, the potential development impact of decentralization will remain limited. Similarly the fact that health and education remain subject to highly centralized forms of provision means that elected representatives at the local level have little influence over service delivery.

2.4.3 *Financial Devolution*

Financial Devolution has progressed to a very limited extent as resource flows are determined by the implementation guidelines for state and central government anti-poverty schemes. The scope for local revenue mobilization is very limited, resulting in a high level of dependence on funds from higher levels of government. Gram panchayats are empowered to raise modest resources through local property taxes, but these are difficult to collect and only a small proportion of their funds are raised through this source. In practice, the recommendations of the state finance commission governing PRI finance are often ignored by their respective state governments usually on the grounds of resource constraints. Most state governments are experiencing fiscal deficits and are reluctant to devolve greater expenditure autonomy to the local governments. Furthermore, the budget for capital expenditure is very limited since recurrent salary costs account for a large share of the resources and the bureaucracy is very resistant to reforms.

2.4.4 *Administrative Decentralization*

Most of the PRIs are facing shortages of skilled manpower. Most states have been unable to effect sufficient transfer of staff from the state to the lower tiers of government. Trade Unions and even senior officials resist efforts to transfer personnel to local bodies or to downsize the state administrative establishment.

2.4.5 *Administrative Inexperience of the Elected Representatives*

Many of the elected representatives do not possess sufficient knowledge, skill or experience in administration. As a result bureaucrats in local governments, especially gram panchayat secretaries, continue to exercise considerable influence over elected representatives as they are privy to information contained in government orders that may not be readily accessible to the elected representatives.

2.5 *Prospects*

The promise of local self-government envisaged in the 73rd Amendment to the Constitution of India has, at best, only been partially realized. While the states have put in place the PRI structure, the extent to which these grass roots institutions of governance have been empowered has been largely inadequate. For effective decentralization there are three necessary conditions:

1. the existence of strong commitment at the higher levels of political authority;
2. a fair degree of autonomy amongst the local bodies to take decisions and implement them; and
3. the availability of sufficient economic resources at the local level.

While the framework suggested by the constitutional amendments are enabling in theory, the onus of realizing them lies with the states. It is here that some states have been found wanting in their commitment to empower the local bodies. Many states have not made reasonable provisions for financing the PRIs. Many of the important competencies have been retained with the state governments and there is little supervisory role for the PRIs and ULBs on critical departments like health and education. It is evident that the state legislators see these institutions as rivals and fear that the local bodies would strengthen at their expense. The bureaucracy is also reluctant to lose power and face enhanced levels of accountability.

While the system already in place may still be far from perfect, it is a vast improvement over the previous mode of governance and service delivery. In the Indian context, empowering the local bodies does to a large extent translate into empowering the disadvantaged groups. While local governments do not possess any legislative powers, their activities affect the daily lives of common people in numerous ways. Yet a majority of the people coming from the weaker groups in society remain unconcerned or even unaffected by the larger issues which preoccupy the state and national governments. Only local governments can sincerely address their concerns and, hence, should take the lead in empowering them. Only with their basic requirements fulfilled and armed with the basic training in democratic participation can these groups be expected to play a larger and more meaningful role at higher levels of governance.

3. Local Government as the Key Institution for Democracy and Empowerment of Disadvantaged Groups in South Africa

Local government, by its very nature of bringing government closer to the people, ought to make the translation of community needs into policy and development programmes more likely. Locally based decisions are often more practical and sustainable in that they acknowledge and accommodate local diversity and historic complexities that may exist within a particular locality.

The South African system of decentralized government consists of three distinct, interrelated and interdependent spheres of government – national, provincial and local. The Constitution of the Republic of South Africa of 1996 establishes and entrenches local government as a distinct sphere of government. In comparison with other federal systems, local government in South Africa enjoys considerable constitutional recognition. In many respects South Africa is a leader in the emerging role that local government is expected to play in entrenching democracy and promoting development.

Based on the notion that local government is the sphere of government closest to the people, the Constitution mandates local government to provide democratic and an accountable government

to local communities and encourage the involvement of communities and community organizations in the matters of local government. In line with the constitutional framework, the White Paper on Local Government (1998) put forward a vision of developmental local government, one which is committed to working with citizens, groups and communities in meeting the social, economic and material needs of communities in a holistic way. A central principle of the post-apartheid Reconstruction and Development Programme (RDP) was the empowerment of poor and marginalized communities. People-centred and people-driven development that emphasizes growing empowerment and reliance on mobilizing the energies of communities was a central concept of the RDP.

According to the White Paper, local government is uniquely placed to achieve this inclusivity. The White Paper emphasizes that a key characteristic of the vision of developmental local government is “leading and learning”. In this regard, local government must play a central role in empowering, and improving the quality of life of their communities, “especially those members and groups within communities that are most often marginalized or excluded, such as women and the very poor”.

Given the importance of local government in enhancing democracy, it should be inclusive of the entire community it represents, including disadvantaged groups. An inclusive form of governance requires that all the inhabitants of the community claim their rightful place in local government. But this requires a strong public that can interact with local government in an informed and directed manner and use the spaces available for participation on key decisions for more effective local solutions. In this regard, it is incumbent on local government to encourage and create conditions for the local community to participate in the affairs that govern them.

3.1 Inclusive Local Government

The South African local government system is premised on bringing government closer to the people through both representative and participatory democracy. It is charged with the responsibility for deepening democracy by facilitating the participation of minorities

and disadvantaged groups. Inclusive local government is vital for the sustainability of the institution and enhancement of democracy.

The world over, local governments are premised on the notion that the municipal institution belongs to the inhabitants of the locality. In South Africa, this position is legislated. Fundamentally, local government legislation defines a municipality as comprising its political structures, its administration and the community of the municipality. Local government legislation, thus, makes it clear that communities are an integral part of municipal governance of local government affairs. A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance.

3.2 Representative Local Democracy

3.2.1 Proportional Representation

A starting point for making elected local councils more representative is the electoral system. The main strategy for the inclusion of the disadvantaged in the institution of local government has been the emphasis on getting more women elected as municipal councillors.

The use of a quota policy to address the problem of under-representation of women has frequently been the subject of heated debate in South Africa. While quotas are not legally enforceable, local government legislation encourages political parties to ensure that 50 per cent of the candidates on the party list for a local election are women, and that women and men candidates are equally distributed on the list. In the absence of mandatory legislative quotas, the policy of each political party on women's representation determines the extent to which women will be represented in municipal councils.

The White Paper on Local Government, thus, encourages parties to draw up the party list in such a way that the first candidate on the list and every second candidate thereafter, is a woman. In the South African system where half the councillors are elected from a political party's proportional representation list, the parties have large sway in determining women's representation on municipal

councils. This is so because if a political party wins, say, 30 proportional seats in the municipal council, the first 30 candidates on the party list are declared councillors. By adopting their own quota policy, political parties can, thus, contribute to the enhancement of equal representation of women in local government.

In the 2006 local elections, 40 per cent of local councillors elected were women. This is a significant increase from the 29 per cent women councillors elected in the first democratic local elections in 2000. Significantly, this places women in local government ahead of women's representation in the national assembly, which stands at 33 per cent. This was due largely to the lead taken by the majority party, the ANC, 46 per cent of whose elected councillors were women. Impressively, 43 per cent of proportional councillors (determined by party lists) were women. The increase in women's representation in local government, and particularly the majority party's progressive approach to attempt to bridge the divide, is highly commendable. However, while significant strides have been made with regard to women's representation in local government, the ideal of 50 per cent women councillors is still elusive.

Of mayors, 229 are male only 54 are female; 74 deputy mayors are male and 24 are female; 186 speakers are male and 77 are female; 163 chief whips are male and 27 are female; 264 municipal managers are male and 18 are female. Thus, unlike India where quotas also apply to leadership positions, only 15 per cent of the mayors in South Africa are women. Despite the general increase in women's representation in local government, their representation in executive leadership positions is still extremely low. This is a vital aspect of women's empowerment at the local level, one that needs to be addressed to ensure that women's representation is not merely symbolic.

A more difficult question is the representation of marginalized groups other than women.

3.2.2 Ward Representation

In municipalities where ward committees are established, 50 per cent of local councillors are directly elected by their ward consti-

tuencies. However, there is no means of ensuring the representation of marginalized groups. It is presumed that because ward councillors are directly elected by their communities, they would almost by implication, be representing the interests of their constituencies. If the constituency of a particular councillor is a marginalized community or a very poor one, it is, thus, presumed that the councillor elected by them would represent their interests on the municipal council. The proximity of citizens to their elected representatives also makes it easier to call them to account. This is based on the assumption that ideally, the ratios of local representation will be small enough to ensure that all municipal councillors are “within reach” of their constituencies.

This assumption has not always materialized in practice. Given the reality of ever-increasing urbanization, however, municipal representatives are becoming more and more distant. Moreover, elected ward councillors have all too often drifted away from their constituencies on the flood of cooption and benefits of office. This is particularly true in the South African context where councillors are handsomely remunerated, so much so that the race for councilorship has become a heated and sometimes fatal arena of contestation.

3.3 Participatory Local Democracy

Election to public office is not an end in itself; equally important is keeping the elected representatives to their promises. Participatory democracy is of particular importance at the local level, allowing the community to identify with the political institutions that govern them and fostering a sense of ownership over common resources.

Community participation is key to the functioning of local government. One of the constitutional objects of local government is to encourage the involvement of communities and community organizations in local government. Thus, community participation, in various forms and to varying degrees, is now a legal requirement in nearly every key municipal process. A municipal council must develop mechanisms to consult the community and community

organizations in performing its functions and exercising its powers. Local government legislation lists a number of structures and mechanisms for community participation. First, participation must take place through political structures or any committee or other collective structure of a municipality that has been elected, designated or appointed in terms of legislation. Of the various structures that fall within this definition, the ward committees and the sub-councils are most obvious. Second, the ward councillor is also a vehicle for participation. A municipality must further establish its own appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality.

Municipalities are, therefore, tasked with developing mechanisms to ensure citizen participation in policy initiation and formulation, and the monitoring and evaluation of decision-making and implementation. Municipalities must promote the participation of marginalized and excluded groups in municipal processes by adopting inclusive approaches to fostering community participation, including strategies aimed at removing obstacles to, and actively encouraging, the participation of marginalized groups in the local community.

3.3.1 *Value of Community Participation*

In a landmark judgement in South Africa in 2006, the Constitutional Court made it clear that community participation is particularly important to ensure that the interests of vulnerable groups in society are protected. The Court remarked that “participatory democracy is of special importance to those who are relatively disempowered in a country like ours where great disparities of wealth and influence exist”. Local government legislation incorporates this principle by emphasizing the protection of vulnerable groups as a principle that permeates the legal framework for community participation in local government. The legislation makes it clear that in designing and implementing community participation strategies, the special needs of *inter alia* women and other disadvantaged groups must be taken into account.

The benefits of an effective system of community participation are manifest. Importantly, the Constitutional Court outlined the benefits of community participation as the following:

- It provides vitality to the functioning of representative democracy.
- It encourages citizens to be actively involved in public affairs.
- It encourages citizens to identify themselves with the institutions of government.
- It encourages citizens to become familiar with the laws as they are made.
- It enhances the civic dignity of those who participate by enabling their voices to be heard and taken account of.
- It promotes a spirit of democratic and pluralistic accommodation calculated to produce laws that are likely to be widely accepted and effective in practice.
- It strengthens the legitimacy of legislation in the eyes of the people.

The Constitutional Court, thus, reinforced the importance of citizens' voices in South Africa's system of participatory democracy. It places the onus on local government, as the sphere of government closest to the people, to ensure that "the public is afforded a meaningful opportunity to engage with and contribute to the decisions that affect them". The municipality's duty in this regard further extends to ensuring that the citizens have the necessary information and opportunity to exercise this right. The Court also stressed that public participation must be facilitated at a point in the decision-making process where involvement by interested members of the public would indeed be meaningful. Participation in decision-making processes is meaningful where they are concerned with the key decisions that a municipality must make. These decisions include the development of the multi-year strategic plan of the municipality, the budget, the passing of by-laws and decisions about the delivery of basic services.

Municipal documents often talk of “participatory processes aimed at empowering the poor and marginalized”. However, rhetorical political enthusiasm for participation is not matched by practice. Contrary to the RDP principles, communities have been the passive recipients of development rather than initiators and drivers. All too often, strategic agendas and budget allocations are agreed upon before public participation processes, rendering the participatory efforts largely meaningless since the outcome is a *fait accompli*. The process seems to have created a hierarchy of limited participation, one in which more organized, affluent groups are invited to influence the details of plans which have already been devised, while the unorganized grass roots poor are excluded entirely. The community organizations necessary to make development a reality have been sidelined or weakened.¹

Thus, an official assessment by a government department of whether grass roots opinions found its way into official decisions found that “mechanisms for identifying the correct beneficiaries and the mechanisms of consultation which will lead to the incorporation of the needs of the poor in project design are not practised. Issues of importance to the rural poor are frequently excluded as they are regarded as not relevant. There was, not surprisingly in light of these revelations, low participation, if any, from black women and the poor.” Crucially, the report found that capacities at the local level to participate meaningfully in the decision-making process were not addressed.

The exclusion of disadvantaged groups from the focus of municipal attention is a manifestation of the practice that has developed among some municipalities of becoming inward-focused—the vehicle for a self-serving elite—rather than being community and development orientated. In the recent past, many municipalities flagrantly neglected the public participation requirements in the legislation or found roundabout ways of circumventing it. A key question in this regard relates to whether the legal framework for participatory democracy has perhaps had the unintended consequence of municipalities adopting a “bare minimum” compliance approach, viewing community participation as a legal hindrance

¹ Friedman 2005.

or irritation, rather than an imperative empowering tool for the poor and marginalized. Indeed, some critics believe that the failure of participatory democracy in practice is largely attributable to the preoccupation with delivery and the consequent “bare minimum compliance” approach to the policy and legal framework. In essence, participation was marginalized in the interests of getting the job done.

But the disquiet about whether municipalities have been able to establish a sound and interactive relationship with their communities has become increasingly public and even violent. In recent times local government has faced the most persistent spate of violent protests since the end of apartheid. These protests indicate a deep dissatisfaction with municipal performance. They appear to be directed at poor service delivery, unresponsive decision-making and “conspicuous consumption” or even allegations of corruption on the part of municipal councillors and officials.

Renewed efforts at reconnecting communities with their municipalities are, therefore, necessary. A key question in this regard is how community participation can be transformed from a chase for legal compliance into a genuine effort to enhance the quality and legitimacy of decision-making. Compliance with the spirit of the law giving effect to participatory democracy is as important, if not more so, than the letter thereof. As much as anything else, it requires a change in attitude and approach and development of an institutional culture of participatory democracy. A political “culture of participatory governance” is vital if the vision of development local government, so eloquently articulated in the White Paper on Local Government, is to be realized. The development of such a culture is vital for the sustainability of the institution of local government and the enhancement of democracy.

3.3.2 *Ward Committees*

Another vehicle for community participation, which is offered to municipalities as a mechanism to ensure communities contribute to municipal decision-making, is the ward committee. The typology of a local or metropolitan municipality determines whether or not it can establish ward committees.

The White Paper on Local Government makes it clear that the central role of ward committees is the facilitation of local community participation in decision which affects them, the articulation of local community interests and the representation of these interests. The object of a ward committee is, thus, to enhance participatory democracy in local government. It is, therefore, not posited by the legislation as a governance structure. A ward committee can make recommendations to the ward councillor on any matter affecting the ward. It can also make recommendations through the ward councillor to the council, the executive mayor/committee or to the relevant subcouncil. The primary function of a ward committee is, thus, to be a formal communication channel between the ward community and the council and its political structures. The ward committee is, thus, seen as an “influencing agent”.

Ward committees comprise the ward councillor—who chairs the committee—together with a maximum of ten additional persons. The council must determine a mechanism to elect those ten members. The parameters for arriving at a system that includes the additional members are that (1) they must be elected and not appointed, (2) that the need for women to be equitably represented is taken into account, and (3) that the need for a diversity of interests in the ward to be represented is taken into account. The purpose of including the ten additional members is clearly to ensure inclusion of those interests that have not been accommodated already through the formal political processes. This is in line with the commitment of the Constitution and the Systems Act to participatory democracy.

In practice, however, the ward committee system has not been effective. A major challenge has been that the ward committee structure often undermines and competes with community leadership structures, rather than complementing and mobilizing them. A major challenge is that in practice ward committees are largely chosen by ward councillors, not elected by residents as envisaged in the law. Ward councillors have become “gatekeepers” to resources, reluctant to accept or allow opposition structures and as a result many community structures have been blocked or co-opted. In many instances, community organizations are unhappy as they want independent forums that do not fall under the sway of councillors.

Moreover, two-thirds of municipal councils reported that their ward committees had “no powers” and only 44 per cent confirmed that ward councillors in fact tabled reports on issues raised by ward committees. There is general political concession that the majority of ward committees, those that are actually convened, are not functioning as dynamically as envisaged, or even at all.

3.4 Challenges for Inclusive Local Government

The major challenge facing local government in South Africa is, thus, with regard to participatory democracy. While electing more women and ensuring better representation of the poor and marginalized remains a challenge, it is the ideals of participatory democracy that have largely not been achieved in practice. The plethora of formal mechanisms which enable citizens to participate in government should make South Africa a model of participatory governance, a democracy in which citizens have ample opportunity to shape decisions which affect their lives. But for many the ideal of participation has become little more than a mantra. Expectations for meaningful participation in decision-making are created but not met. Some critics even go as far as suggesting that the relegation of community participation has precipitated a crisis of sustainability manifested in the constant barrage of municipal service delivery protests.

The defining feature of the new system of democratic government is the space it offers communities to participate actively in development decision-making. Through the ward committees and other formal participatory structures, government has opened up political space for public participation in decision-making processes. But, as one former provincial local government minister noted, the opening of formal political space creates a vacuum, one which is often filled by those who have the power and means to fill them – often to the exclusion of the poor and marginalized. This may be indicative of the fact that participatory mechanisms do not enhance participatory governance since they are biased towards those with the capacity to participate.

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, unsurprisingly, the better organized and well-off sectors of civil society that exploit the opportunities for participation. The mere fact that participatory mechanisms exist does not automatically mean that they are used by disadvantaged groups. The very fact of their marginalization is often the obstacle to participation. Indeed, the marginalization of community structures in political processes has been evident in the predominant failure of ward committees and the weak levels of participation in the strategic planning process.

Practice confirms that formal, structured participation forums do not deepen democracy because it excludes those who most need to be heard in government decision-making. The participatory process insofar as the strategic or integrated development planning is concerned has been weak. While this may not necessarily be a consequence of the failure of the vehicles of participatory governance to operate as they should, though they often don't, it is confirmation that formal participatory structures by definition cannot, however well they are run, give a voice to the poor and marginalized. While channelling community voices into administratively neat channels, such as forums or other structured forms of public participation, might best suit administrators and politicians, citizens, particularly the poor and marginalized, may well prefer less structured forms of participation.²

The inability of formal participatory governance mechanisms to provide a voice to the poor suggests a need to rethink participatory governance. What lies behind the approach to community participation typically adopted by government is an assumption that the state can penetrate the full spectrum of society—that communities are homogenous groups. Experience suggests that this assumption is seriously flawed, and that a different approach that fully engages people in the development process is required. Some argue that a departure from the ideal conception of “community” in favour of a more realistic sense of localities where there are divisions across ethnic, cultural, class and gender divides is required if participation is to be more effective.

² Friedman 2005.

Since the purpose is to deepen democracy, the test of participatory mechanisms should perhaps be whether they offer people, who would otherwise remain voiceless, a means of participating in decision-making. If forums are offering only a more formal and structured opportunity to be heard to those who would otherwise be heard in another way, then they are not deepening democracy.³ Given current capacity constraints on the part of communities and limitations in the government's own capacity, an approach which mobilizes and complements existing capacity within communities may be more sustainable, rather than competing with and undermining them. Participatory approaches, thus, need to build on local strengths by working with existing community structures and organizations. In this regard, the de-politicization of ward committees and the fulfilment of the legislated vision of ward committees—inclusion of those interests that have not been accommodated already through the formal political processes—is a key challenge. This is particularly crucial with regard to the impartial representation of community structures and organizations in those ward committees.

4. Conclusion

While the systems already in place in both India and South Africa may still be far from perfect, it is a vast improvement over the erstwhile modes of governance and service delivery.

In the Indian context, empowering the local bodies does translate into empowering the disadvantaged groups to a large extent. While local governments do not possess any legislative powers, their activities affect the daily lives of common people in numerous ways. Yet, a majority of the disadvantaged groups in society remain unconcerned by the larger issues which preoccupy the state and national governments and its citizens. Only local governments can sincerely address their concerns and, hence, should take the lead in empowering them. Only with their basic requirements fulfilled and armed with the basic training in democratic participation can

³ Friedman 2005.

these groups be expected to play a larger and more meaningful role at higher levels of governance.

In South Africa, while strides have been made with regard to representative democracy, in particular electing more women and ensuring better representation of the poor and marginalized, it is the ideals of participatory democracy that remain a major challenge. For many the ideal of participation has become little more than a mantra. Expectations for meaningful participation in decision-making are created but not met. To ensure that the political, social and economic priorities are based on broad consensus and that the voices of the poorest and marginalized groups are heard in the decision-making process, local government needs to rethink its approach on how it is going to make participatory democracy a reality for the majority of its communities. Otherwise the poor and marginalized will remain mere spectators of democracy and development. Only by learning the value of participatory democracy, will local government truly lead the empowerment of disadvantaged groups.

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