

Successes and Challenges of Planact's Participatory Governance Programme in promoting service delivery:

A Case Study of Spring Valley Informal Settlement
In the eMalahleni Local Municipality
2013-2016

A booklet on participatory governance in Spring Valley informal settlement

Compiled by: Nkululeko Ndlovu

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ACRONYMS

ANC	African National Congress
CDW	Community Development Workers
COGTA	Department of Cooperative Governance and Provincial Affairs
CSVR	Centre for Study of Violence and Reconciliation
DA	Democratic Alliance
ELM	eMalahleni Local Municipality
IDP	Integrated Development Plan
MEC	Member of the Executive Committee
NDM	Nkangala District Municipality
SDC	Spring Valley Development Committee
UDP	Urban Development Plan

1. INTRODUCTION

Planact's **Participatory Governance Programme** cuts across two other core programmes, namely, Integrated Human Settlements and Community Economic Development. The Participatory Governance Programme focuses on developing the capacity of low-income communities to effectively voice their needs in local government planning and development processes. Specifically, it promotes the involvement of communities in influencing policy formulation and implementation of local government processes such as the Integrated Development Plan and Municipal Budget, for the purposes of improving basic services delivery. This programme is implemented in communities located in Gauteng and Mpumalanga Provinces.

Planact's programmes have evolved since its formation in 1985, from promoting social and political change during the apartheid period to empowering communities on participatory governance in the post-apartheid era. Over the past thirty years, the Participatory Governance Programme has yielded positive results by building residents' capacity to become active participants in local governance and development processes, rather than passive observers of the processes. In some project areas, residents are now able to independently lobby municipalities for the delivery of services and initiate development projects in their areas, with Planact only providing mentoring and support services.

Planact's involvement in urban development has resulted in the understanding that most government development projects are underpinned by power contestations, which is why a community's involvement in participatory governance lies at the core of effective and sustainable development. This observation suggests that prior to project implementation, development agencies must investigate the power dynamics and the level of participation of communities in government processes, as well as local governments practices related to the delivery of basic services. In response to this, Planact's programmes and operations are centred on the premise that participatory governance is the central pillar to effective service delivery and fundamental to development.

Under this programme, communities are trained to influence bureaucratic systems through improved participation, particularly at the local government level. They are also empowered to use the acquired knowledge to contribute meaningfully and actively to policy formulation and regulation. Whilst the **concept** of participatory governance has become common in South Africa and is often discussed in government and non-governmental fora, little progress has been made in terms of **translating it into practice**. Planact's Participatory Governance Programme seeks to address this critical dynamic.

This publication uses the case study of Spring Valley to illustrate how participatory governance and power contests play out in local communities of South Africa. The study reveals interesting power dynamics, community challenges and solutions in participatory governance and development.

1.1 An overview of the Participatory Governance Programme



Planact's Participatory Governance Programme is comprised of two sub-programmes, which are: Participatory Planning, Budgeting, Performance and Accountability; and Active Citizenship.

To promote participatory governance, Planact works with low income and disadvantaged communities to improve their engagement with national and municipal processes. Under the participatory programme the following activities are executed:

- Community representative structures are formalised.
- Capacity building for communities to engage with municipal development processes such as the Integrated Development Plan and Municipal Budgets.
- Capacity building for community representatives in their roles and responsibilities as: members of their community structure; good leadership; conflict resolution; and active citizenship.
- Community representatives are also trained on how to: promote development in their area; interact effectively with local government and government structures; and represent and report to their community structures.
- Planact, in collaboration with the communities, initiates and conducts negotiations with relevant

- municipal councils on issues of formalising land tenure and upgrading projects in informal settlements. Planact engages the community and respective councils on the provision of human settlements and basic services, with the intent to help them produce urban development plans (UDP) which are then included in the municipal development plans.

Project areas include the following communities; Leandra, Breyton, Jabulani, Mafube, KwaZenzele, Protea South, Spring Valley and Thembelihle in Gauteng and Mpumalanga Provinces (see the map below).

Map 1: project sites

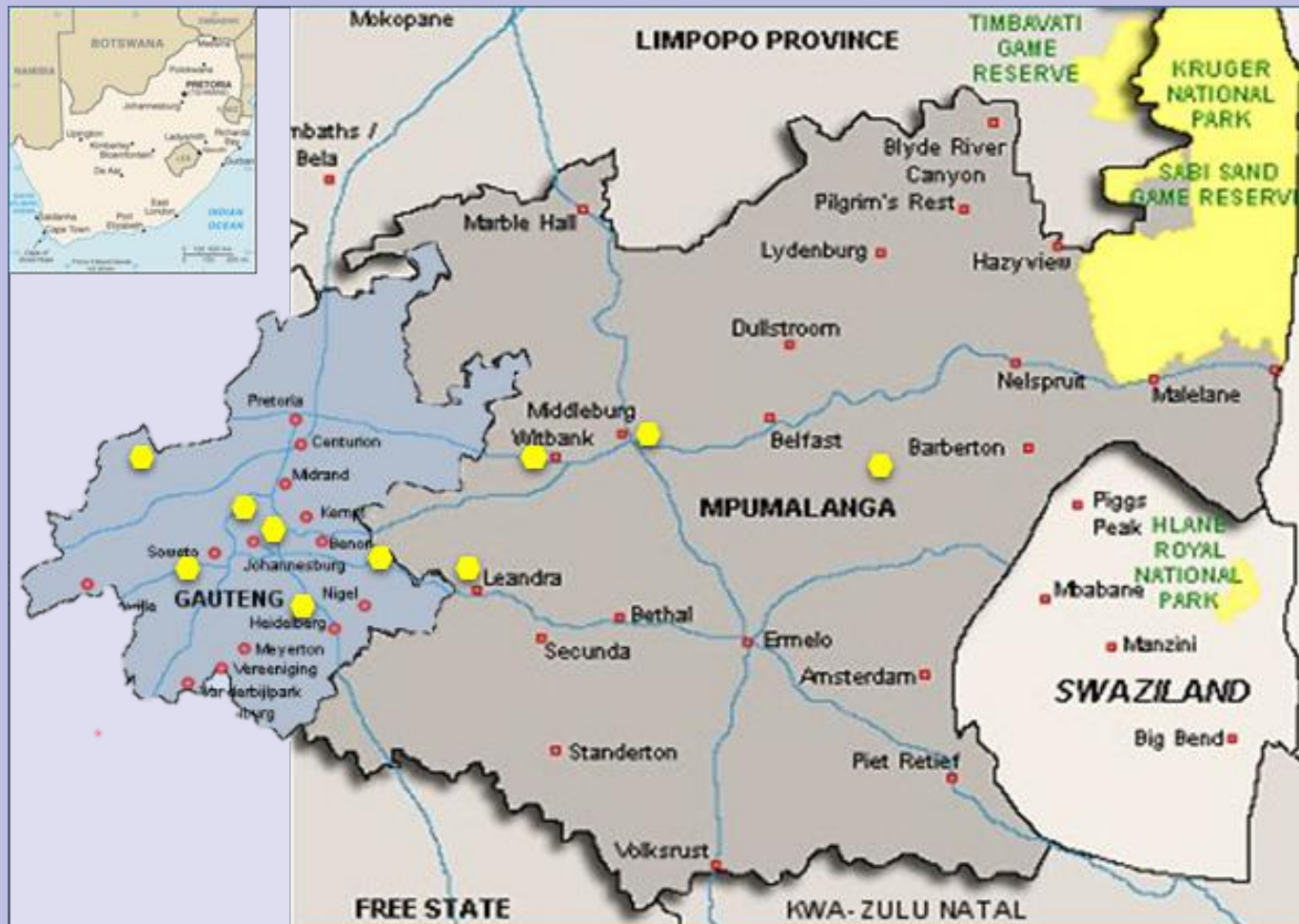


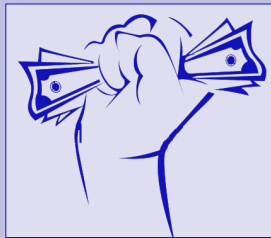
Figure 1: Project Sites (Sourced from www.aboutsouthafrica.com)

2. DISSECTING THE CHALLENGES UNDERLYING PARTICIPATORY GOVERNANCE

The World Bank defines the concept of governance as the manner in which power is exercised in the management of a country's social and economic resources for development (World Bank, 1992). Explicit in the definition is the relationship between resources and power which suggests that governance cannot be separated from sound development practice and management. It is for this reason that where there are resources to be distributed power cannot be relegated to a secondary level of importance. This observation strongly suggests that development agencies need to ascertain counterproductive power contests and devise strategies to address them. It therefore follows that participatory governance is an appropriate strategy to correct unhealthy power contests, which adversely affect service delivery and community development.

In South Africa, service delivery issues are inextricably linked to power relations existing between the communities and municipalities. It therefore must be acknowledged that power contests cannot be wished away or disregarded. Globally, economies continue to experience instability therefore we must expect that competition for resources will remain high. Given the high population growth, which puts additional pressure on already limited economic resources, competition is likely to intensify in the near future.

2.1 Economic resources and power contests



The poor is the segment of society most deeply affected by power contests and limited economic resources. Sadly, the State and State institutions are often distant and unresponsive to their needs. Factors exacerbating the plight of the poor in the 21st century are globalisation and neoliberal approaches to urban development, which are embraced by many developing countries including South Africa. These factors substantially relegate the poor to a secondary level in matters of urban development and service delivery. Privatisation of certain basic services has had a negative effect on low-income communities who cannot afford to be caught up in high costs of service provision. This large sector of society struggles to even access services.

Low-income communities have challenges in participating in decision making about development in their own areas. Underpinning this has been the lack of inclusivity in local governance, which is a great source of frustration for residents whose development needs remain unmet. This is not just a South African challenge. However, municipalities often engage in contestations with the communities over service provision. This is aggravated by the perception that many councillors are seen as being anti-development and are ill prepared to advance the interest of residents in low-income communities. Many projects fail to target the poor and improve their living conditions. Instead, skewed development projects tend to favour the middle and high-income classes.

Low-income communities experience great frustration when participating in municipal processes such as the Integrated Development Plans and budgeting processes. Their participation should improve their chances to benefit from national economic resources. Disappointed Communities express their dissatisfaction regarding land and basic service delivery in a number of different ways, including, petitions and protests. However, often residents of these communities feel marginalised and are compelled to explore different avenues to address their plight. The Spring Valley community is a good example of this.

2.2 Land and power contests



Figure 2: Water delivery truck in Spring Valley

Land access and ownership plays a major role in the contest of power, therefore municipalities' disputes with communities often revolve around land and poor service delivery. Land is frequently the commodity that instigates competition in unplanned areas where residents hope to be provided with tenure security. Regardless of whether the land is municipal Council or privately owned, it is common to find unofficial leaders illegally allocating land to individuals who are desperate for land and housing. Such trend in illegal distribution of land have resulted in divisions between communities and municipalities because they often violate and disrupt municipal plans for either upgrading or relocation.

Scholarship on development generally observes that land is life and is a finite resource that warrants equity in distribution. Unfortunately, equity in land distribution seems to be rhetorical and is often impeded by a number of factors many of which are linked to uneven power relations. Many other projects that Planact implements in Gauteng and Mpumalanga Province have been delayed due to such power contests. The organisation has been involved in addressing some of the challenges emanating from the political environment. In this document, Planact shares some experiences from Spring Valley that demonstrate the effects of power relations on projects and the frustrations that residents suffer as their development is impeded. The repercussions of unhealthy power relations reveal the vital role of participatory governance in the development process.

Intricately woven into the issue of power relations is the lack of basic services - water, electricity and sanitation - which often culminates in strained relationships between communities and municipalities. As a result of their dissatisfaction with service delivery, residents of many low-income communities have engaged in protests in order to put pressure on their local governments to provide basic services.

However, this often serves to further aggravate community/municipal relations. In this document, Planact's case study of Spring Valley demonstrates how power relations unfolded during the process of promoting participatory governance on site. Here, as in many municipalities across South Africa, there are inconsistencies relating to the legislation on community participation and the municipalities practice.



Figure 3: Public Participation in Spring Valley

3. PARADOX OF PARTICIPATORY GOVERNANCE

The South African Constitution of 1996 stipulates fundamental clauses to guide community participation in the implementation of development policies and processes. Chapter 7, section 152 (e) of the Constitution of South Africa¹ requires local government to encourage the involvement of communities and community organisations

in matters of local government. In terms of the local spheres of government the Constitution states²:

- Section 151(1) (e). Municipalities are obliged to encourage the involvement of communities and community organisations in local government.
- Section 152. The objects of local government (are) to encourage the involvement of communities and community organisations in the matters of local government.
- Section 195 (e). In terms of the basic values and principles governing public administration – people's needs must be responded to, and the public must be encouraged to participate in policy-making.

¹ Constitution of the Republic of South Africa. (1996). <http://www.gov.za/documents/constitution-republic-south-africa-1996>

² Department of Provincial and Local Government. National Policy Framework for Public Participation. 2007

The Municipal Structures Act 117 of 1998³ (as amended in 2000 and 2003) states that a Category A municipality with a sub-council or ward participatory system, or a Category B municipality with a ward participatory system, and Executive committees or Executive Mayors must annually report on the involvement of communities and community organisations in the affairs of the municipality. The Municipal Systems Act 32 of 2000⁴ defines 'the legal nature of a municipality as including the local community within the municipal area, working in partnerships with the municipality's political and administrative structures....to provide for community participation'. According to Section 4 in the Systems Act council has the duty:

- To encourage the involvement of the local community;
- To consult the community about the level quality, range and impact of municipal services provided by the municipality, either directly or through another service provider;
- In Section 5, members of the community have the right:
 - to contribute to the decision-making processes of the municipality and submit written or oral recommendations, representations and complaints to the municipal council,
 - to be informed of decisions of the municipal council, and,
 - to regular disclosure of the affairs of the municipality, including its finances.

The clearest and most specific requirements for public participation in local governance are outlined in Chapters 4 and 6 of the Municipal Systems Act (32 of 2000) on the Development of the Culture of Community Participation that reads:

16. (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose-

- (a) encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in
- (i) the preparation, implementation and review of its integrated development plan in terms of Chapter 5;
 - (ii) the establishment, implementation and review of its performance management system in terms of

³ Municipal Structures Act 2003. <http://www.gov.za/documents/local-government-municipal-structures-act>

⁴ Municipal Systems Act 2001. <http://www.cogta.gov.za/index.php/component/content/article?id=511:the-municipal-systems-act.html>

Chapter 6;

(iii) the monitoring and review of its performance, including the outcomes and impact of such performance;

(iv) the preparation of its budget; and

(v) strategic decisions relating to the provision of municipal services in terms of Chapter 8;

(b) contribute to building the capacity of

(i) the local community to enable it to participate in the affairs of the municipality; and

(ii) councillors and staff to foster community participation; and

(c) use its resources, and annually allocate funds in its budget, as may be

(Chapter 6) 42. A municipality, through appropriate mechanisms, processes and procedures ...must involve the local community in the development, implementation and review of the municipality's performance management system, and in particular, allow the community to participate in the setting of appropriate key performance indicators and performance targets of the municipality.

Residents are encouraged to participate in the:

- preparation, adoption, implementation and review of IDPs;
- preparation of a municipality's budget;
- establishment, implementation and review of a municipality's performance management system;
- monitoring and review of a municipality's performance;
- Decisions about the provision of municipal services.

Municipalities have established Ward Committees in each ward of a municipality in order to enhance participatory democracy. A Ward Committee may make representations on any issue affecting a ward to the councillor or through the councillor to the council. It can also exercise any duty or power delegated to it by the council. A Ward Committee comprises the ward councillor as the chairperson and up to 10 other people representing a diversity of interests in the ward. Women have to be equitably represented

⁵ Nyalunga, D. (2006). An enabling environment for public participation in local government. International NGO Vol 1

in a Ward Committee. In terms of the Code of Conduct in The Municipal Systems Act, councillors are required to have at least four public report-back meetings. However, Naidu laments the fact that in most cases the ward committees tend to act as conduits for the policies of the ruling party (Naidu, 2011). This has been observed in Spring Valley community where other groups and parties feel excluded for political reasons. In addition to public participation through ward committees, Nyalunga⁵ documents that communities may also participate through the following avenues; direct advice and support from their respective ward councillors and proportional representative councillors and; through traditional leadership structures.

The public participation model for local government, as documented above, is detailed, advanced and covers almost all of the requirements for effective public participation. However, in practice, local municipalities often do not implement the processes as set in this model. Instead, municipalities frequently have not made adequate attempts to effectively implement public participation processes, hence, the communication breaks down, leading to mistrust, hostility and animosity between the local government and the communities they serve. The resultant service delivery protests, in most instances, are violent and bear testimony to the residents' frustration at the failure of municipalities to exercise effective public participation and to provide basic services such as water and sanitation.



Figure 4: Public Participation in Spring Valley

4. THE POLITICS OF *Service Delivery*

Despite the recognition of water and sanitation as global rights, many communities in South Africa still suffer from poor basic services delivery. Communities are confronted with the challenge of inadequate water supply, for both domestic use. The gap between the legislation and practice evokes debates about the commitment of the government to improve the living conditions of marginalized communities. The question that requires much attention is why there is such a gap between socio-economic rights talk and rights practice?

In many government speeches, the right to basic services is raised. For instance, President Zuma in his 2015 State of the Nation address said: *'Water is a critical resource for economic growth and a better life'* (State of the Nation Address, 2015). Similarly, at the Seventh Session of the Africities Summit held in The Sandton Convention Centre (Johannesburg), the Minister to the Presidency-Planning, Monitoring and Evaluation emphasized that sustaining economic growth and promoting social development is dependent on infrastructure services such as telecommunication, transport, energy, water, sanitation (7TH Africities Summit 2015). This statement also suggests that the government considers water and sanitation as a priority that requires urgent attention. The Premier of Mpumalanga Province, David Mabuza, while debating the issue of water challenges in Mpumalanga, stated that 'we will continue to install bore holes as a short-term measure whilst working hard in providing permanent solutions' (Mpumalanga Office of the Premier 2015). Opposition parties also consider basic services a priority, which explains why water and sanitation are placed amongst the prioritized items on their rally agendas.

In this document, Planact summarises the Spring Valley community's experiences of just such politics around service delivery. It outlines how residents navigate the bureaucratic local government's public

consultation processes around the provision of water, sanitation and land tenure. This process reveals the challenges experienced by both the community and the local government. In theory, public consultation is supposed to be a continuous two-way practice between local government and the community. Policies, rules and regulations governing the role of both community and municipal government are explicit on the implementation and practise of public participation. In contrast, the situation at the community level presents inconsistencies and portrays an unresponsive, ineffective and dismissive local government that has not satisfactorily addressed the basic needs of the marginalised communities.

5. The Story of *Spring Valley* informal settlement

Planact implements the Spring Valley project as part of its Participatory Governance and Integrated Human Settlements programmes, with financial support from the Raith Foundation. The programme aims at assisting communities to put pressure on the local municipal council to respond to the needs of Spring Valley informal settlement. Throughout the project, Planact's role has centred on supporting community members to develop and enhance their capacity to meaningfully engage with the state and to hold the state accountable for the provision of basic services, namely water, sanitation and land tenure security.

Spring Valley is an informal settlement in eMalahleni Local Municipality in Mpumalanga Province. The geographical area of the municipality is approximately 2 677 square kilometres with an estimated population size of 395 466 inhabitants (Draft IDP2014/15). eMalahleni Municipality's jurisdiction includes the following towns: eMalahleni complex; Ogies and Phola; Ga-Nala and Thubelihle; Rietspruit; Van Dyksdrift; and Wilge. It is worth noting that according to the 2014-2015 IDP eMalahleni is the most industrialized municipal area in the Nkangala District Municipality, and within Mpumalanga as a whole. eMalahleni Municipality ranks as one of the 21 largest centres of economic activity in South Africa, with its southern region forming part of the country's energy mecca as a result of its rich deposits of coal and power stations such as Kendal, Matla, Duvha and Ga-Nala.

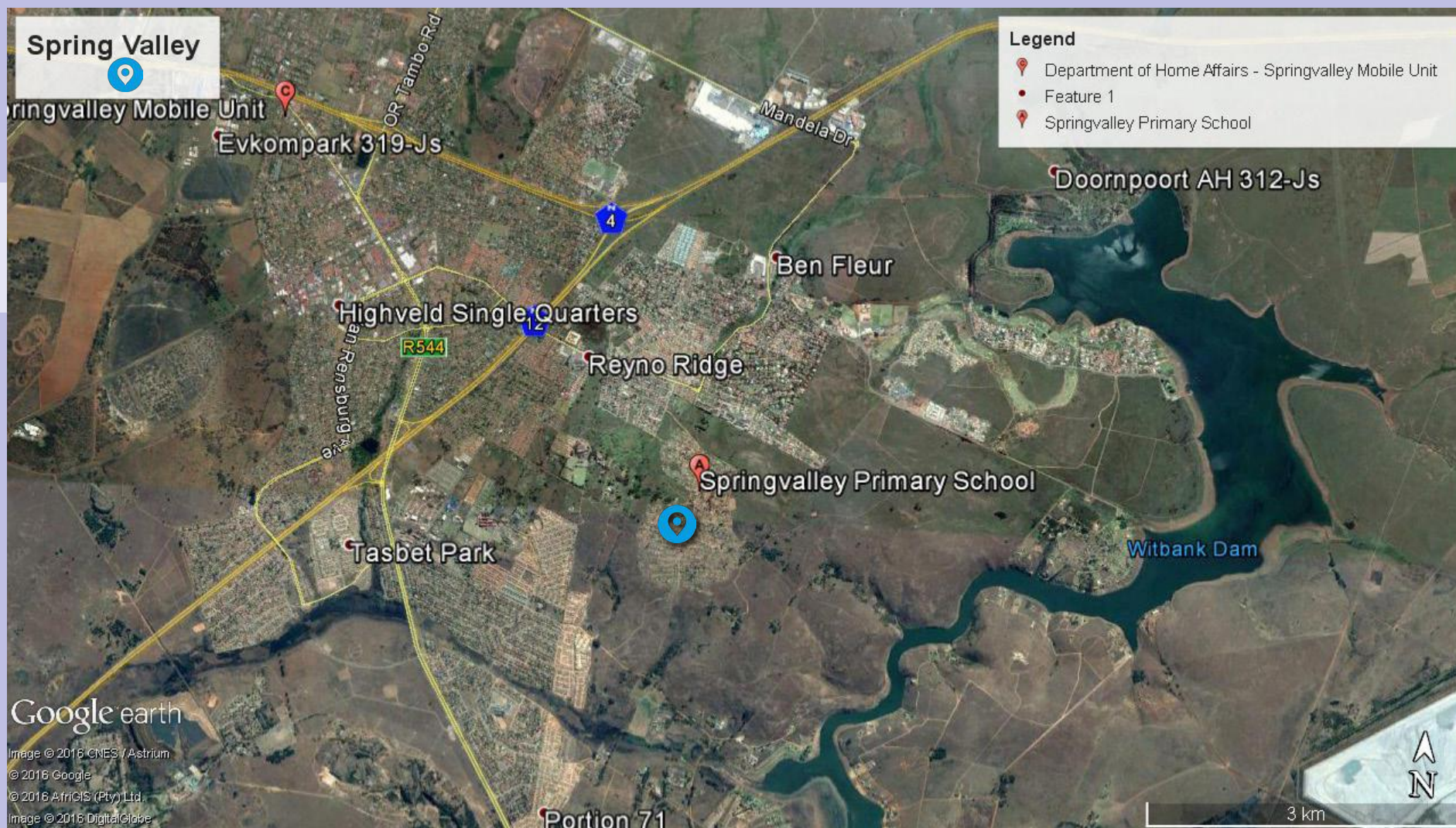


Figure 5: Map of Spring Valley (Source: Google Earth Pro, 2016)

5.1 The origin of Spring Valley settlement

Spring Valley informal settlement was established on land formerly used as both a farm and a missionary school (est. 1962). Shacks were reportedly built as far back as 1991, however most people settling there in 1995 as a result of evictions on surrounding farms. Over the years the settlement has grown substantially as people moved in from Limpopo, KwaZulu-Natal and Gauteng provinces. Whilst the majority of residents in this community are South Africans, there is a sizeable foreign population made up of immigrants from Lesotho, Mozambique and Zimbabwe. In 2014, Spring Valley had 2200 households, with an estimated population of 10 000. However, there is a steady increase in these numbers, with the latest estimate at 2500 households and a population of 12 500. The maps in Figures 6 and 7 show the growth of the settlement since 2001.

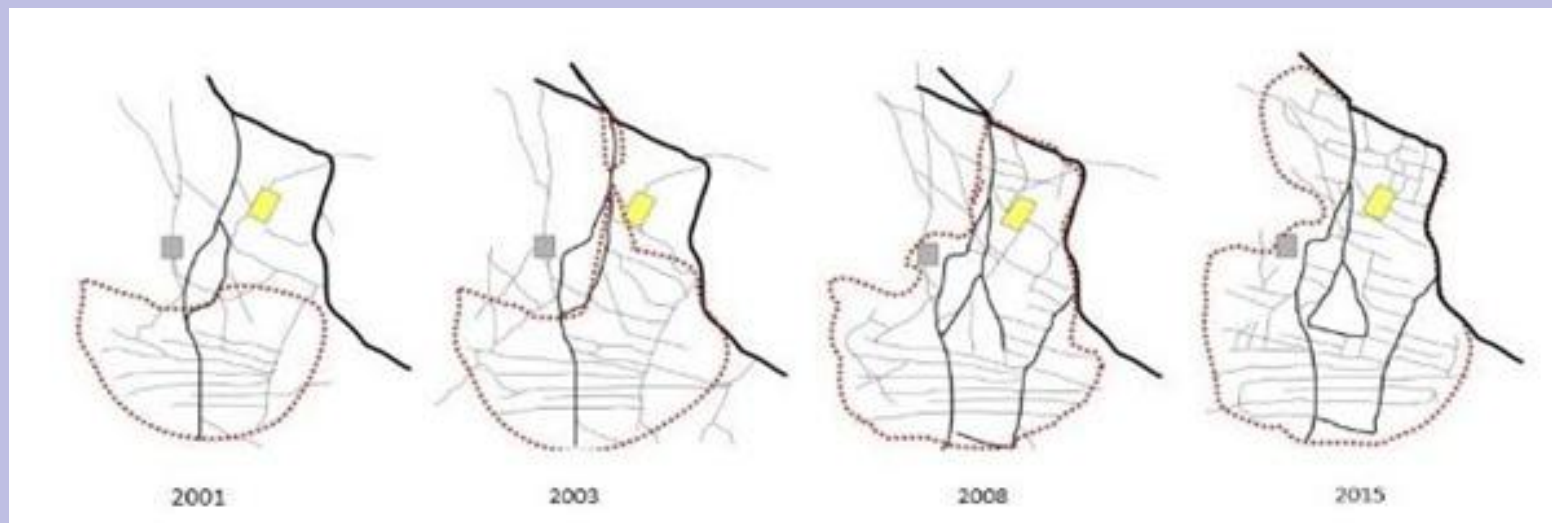


Figure 6: Map of settlement growth over time (Source: Planact)



2001



2003



2008



2015

Figure 7: Aerial maps over time (Source – Google Maps)

5.2 Political dynamics in Spring Valley

In preparation for the 2011 local government elections, the Municipal Demarcation Board proposed various changes regarding the number of wards within the District. According to the table below, the number of wards will increase by 12 resulting in a new total of 143 wards. Correspondingly, the number of Ward Councillors also increased by 12. Further, it was proposed that additional Community Development Workers (CDWs) to support these new wards would be needed in moving forward. In accordance to the new delineation proposals, Spring Valley was moved from Ward 18 to the new Ward 34. To many, this ward reshuffle is part of the larger political matrix and illustrates how the poor are often caught in the middle of political "turf wars".

During an interview with Planact in early January 2012, the councillor for Ward 18, under which Spring Valley was previously demarcated, described the socio-political dynamics in the area as a "*political ball game*" where politicians are using the community to further their own political gains. Specifically he said: "The [Spring Valley]

community is in the middle of political fights." This comment was made in reference to the DA and ANC rivalry, to which he further indicated that although Spring Valley is a DA ward, it is an ANC-dominated community. The political conflicts in Spring Valley cannot be viewed in isolation from the coexistence and the contests between the ANC and the DA. The municipality is predominantly ANC with only 6 out of the 34 wards being DA, including Ward 34. These political dynamics also play out in service delivery and critically they adversely affect the development of the informal settlements. To date, the promotion of participatory governance in Spring Valley by government has proven inadequate, top-down and not inclusive, leaving the community without adequate services.

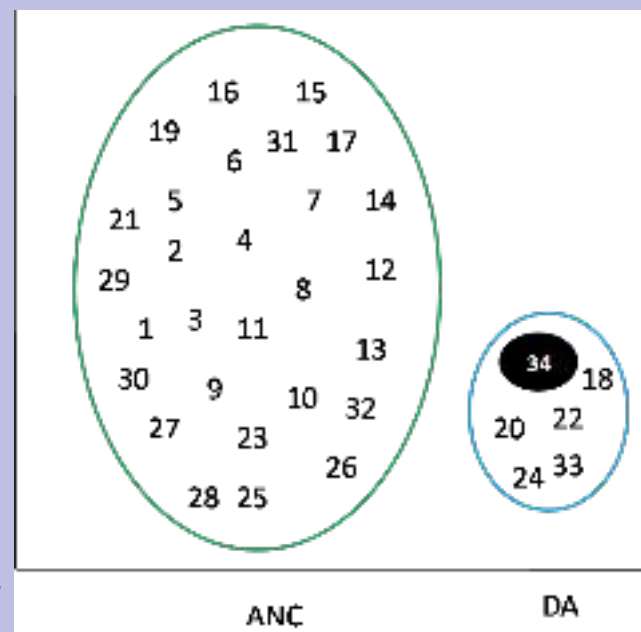


Figure 8: Ward councillor party distribution

6. THE JOURNEY OF SPRING VALLEY TO PARTICIPATORY GOVERNANCE

Prior to Planact's involvement in Spring Valley, the community did not participate in the municipal processes and practices. The community of Spring Valley, experienced challenges in exercising their right to participate in urban governance and the development of the area for various reasons. The community's pressing issues related to poor services (water, sanitation, electricity and refuse collection) in the area and the relegation of their needs by the Municipality to a secondary level of importance mainly because of the unofficial status of the settlement. The apathy towards the community has culminated in a deteriorated relationship between the community and the eMalahleni Local Municipality. The community's challenges are also expressed through the contestations between the Spring Valley community and the municipality. Such confrontations have inevitably drawn in the Nkangala District Municipality under which they fall. Residents have been compelled to put pressure on the Provincial government to facilitate effective service delivery at municipal level. Since 2011 consultations between the state and the community have vacillated between apathy, confrontation and sometimes even despondency. The result is a relationship between the community and the municipality that has become characterised by animosity. The aim of this case study of Spring Valley is to reveal the real-life consequences of non-participatory development in this community.



6.1 Planact's entry point in Spring Valley

In 2011, Planact worked to establish a sound relationship with the community and to build trust with the residents. This was done in order to ensure that the community accepted Planact as a neutral non-government organisation whose intention was to assist the community to understand their development mandate within urban development processes and development policy as a whole. Since then, Planact has worked with the Spring Valley community to address the barriers that they experienced when attempting to access basic services, in particular the water and sanitation needs of the community. Planact focussed support on helping the community to effectively engage with the municipality and to exert pressure to provide the required services. Planact, in collaboration with the community, developed strategies to improve municipal responses to the needs of the community. These strategies included the following:

- The establishment of a community leadership structure.
- Capacity building for the leadership with skills to ensure that they were able to develop and grow the participation of the community in the development needs of their area and other relevant decision-making processes
- The promotion of active engagement of community members in the lobbying process:
 - The mobilisation has yielded positive spin offs for the community by transforming social relations within it and with other institutions;
 - Internally, the community has learnt to deliberate their needs and reach consensus, which enables its leadership to speak in one voice on matters affecting their development;
 - The community has developed the confidence to independently fight for their rights and even to solicit assistance from other organisations. For instance, in 2013, the community leadership sought assistance from the National Lotteries Board for a home based care centre and successful received a grant of R410 000. The community also obtained financial assistance from PATH for implementing community health work.
- The provision of mentoring and coaching sessions to the community on different aspects that



affect their lives, this involved:

- leadership development and conflict management;
 - drafting petitions;
 - developing the committee's constitution;
 - advocacy actions necessary to address a certain challenge.
- The provision of institutional support during negotiations with the eMalahleni Municipality on land tenure issues.

The main activities implemented in Spring Valley are listed in the diagram below;



Figure 10: Planact programmes and activities that were implemented in Spring Valley.

Based on past experiences, Planact is able to categorise Spring Valley's experiences engaging with the municipalities to advance the delivery of water and sanitation into three generic categories, namely: the state listening but showing indifference to the cause; the state only reacting to smoke (violent service delivery protests typified by smoke from burning tyres), or the threat of smoke; and the state appeasing influential political formations considered instrumental in advancing the political agenda of the African National Congress.

The scenarios below, drawn from the experiences of Spring Valley community, illustrate how the three categories play out at local government level processes.

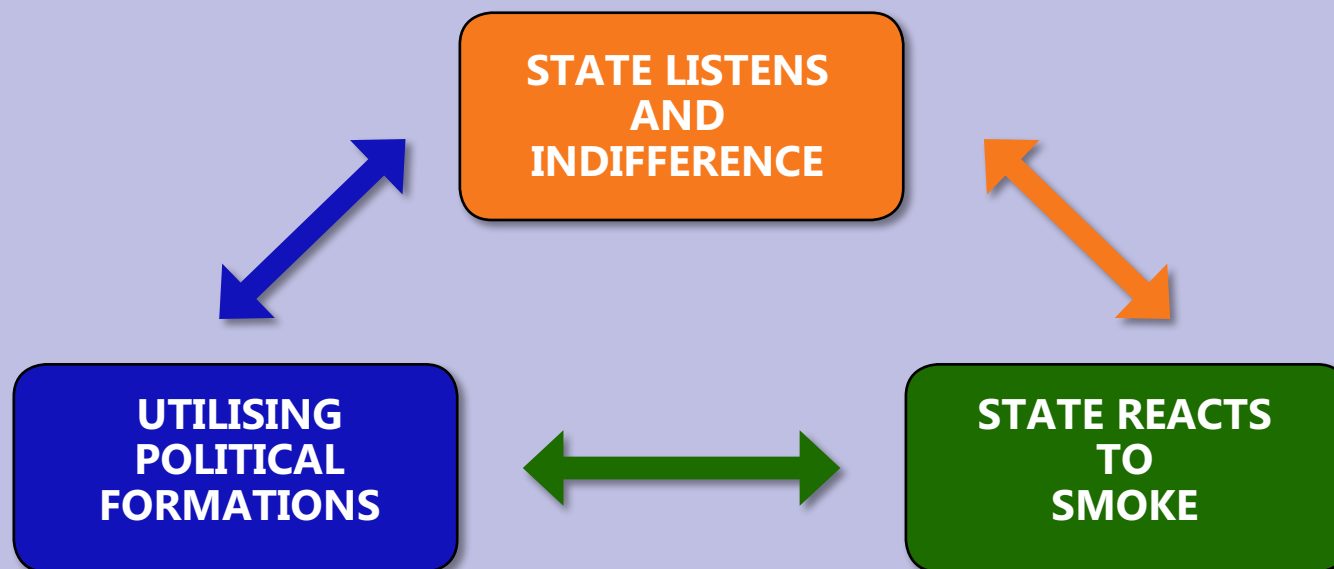


Figure 12: The state reaction to community's demands

6.2 Illustrative scenarios from Spring Valley community

6.2.1 State listens but there is no action

"The officials listen, but don't really care and they do nothing about our issues. Municipal officials are very good at this... they listen attentively to our problems, write down notes and pretend to be concerned. But we see that they do not care because nothing is done to fix our problems" (Mr Nkoane).*

The above statement, made by Mr. Nkoane^{*6} who serves as a member of the Spring Valley Development Forum, resonates with the views of the majority of residents of Spring Valley community. The residents' experiences in dealing with their local municipality reveal deep frustrations and mistrust of these institutions that are meant to serve their basic service needs. The community has held numerous meetings with local and district municipal officials, and in a significant number of the engagements, community members have come out of the meetings feeling frustrated at the indifference shown by municipal officials.



Scenario 1 A: action and despondency

The community takes action and the municipality listens

In 2014, the Spring Valley Development Forum wrote a letter to the eMalahleni Local municipality requesting a consultation with the mayor and the Administrator. In a positive development, the municipality provided a prompt response and agreed to meet with the community. In the correspondence, the municipality applauded the community for following the 'right' approaches and methods for consulting with them. The community was praised for its understanding of public participation procedures, and was encouraged to peer-educate other communities and show them that burning tyres and closing off roads is not the proper way to communicate with their municipality.

The Spring Valley Development Forum prepared well for the meeting and sent the mayor and administrator an agenda for the consultation.

Three pressing issues were put on the agenda; they were:

- a) poor water supply*
- b) poor sanitation and*
- c) and lack of security of tenure.*

The meeting was subsequently held successfully, with the mayor and administrator listening attentively to the community's issues.

Municipality's response

However, residents' disappointment came from the responses from the municipal authorities. Responses to direct questions were either vague or non-promising. The residents were promised that their demands would be looked into by relevant structures and appropriate feedback would be given to the community in the due course. Time frames were vague and some of the promises were delegated to municipal departments that were not part of the engagement.

Residents' despondency

Not one commitment or satisfactory response was obtained. The Spring Valley Development Forum left the meeting feeling disempowered, disappointed, despondent and angry at the municipal authorities. The scenarios presented above reveal the plight of vulnerable communities and their leadership when

Scenario 1 B: Community disappointed

On the 24th of February 2015, the Spring Valley Development Forum met with the administrator in an effort to resolve the water, sanitation and informal settlement upgrading issues. In a similar pattern to the previous meeting with the mayor, the proceedings of the meeting left the community feeling disappointed and having wasted their time, as they did not get the answers to the issues raised.

Scenario 1 C: Community dismayed

In May 2015, the forum again formally requested a meeting with the municipal mayor and administrator, who promptly agreed to meet with the community. Yet again, the Spring Valley Development Forum did not get any satisfactory answers to their concerns. To the dismay of the community members and in addition to the promises made in previous meetings, further promises were made by the senior municipal officials.

Scenario 1 D: Community leaders disempowered

In the aftermath of the meeting with municipality, the community leaders called a community meeting to provide feedback on the work done. The leadership was reluctant to call the meeting as they felt that they had not achieved much and the community would be unhappy. True to their prediction, the community meeting turned into a very unpleasant affair as they were accused of being 'useless', 'cowards', 'sell outs', and were even asked to step down from their positions. The leaders felt disempowered and some expressed wishes to give up the fight.

they decide to follow the 'correct' way of consulting with their local government, but are frustrated by the inactivity or inadequate action towards their issues. The Spring Valley community appreciated the open communication channels and the receptive municipality, but their experiences reflect a process of consultation that ends at the stage of listening. To lend credence to the community's view of an attentive-but-inactive municipality, all the promised resolutions communicated in the various meetings and fora have not been met. This has been the experience of many other communities in Mpumalanga Province and the country as a whole.

The Spring Valley situation is unique in the fact that in the majority of cases local municipalities are accused of not listening to communities and of not convening fora for public participation; thereby straining government-community relations. As has been shown, this case depicts a different situation. However, while the Spring Valley scenario presents a different case, one of a listening government, the end result is still a municipality not following up on the issues and making empty promises. To be fair, it must be acknowledged that not all communities do their part in promoting their involvement in local governance or in addressing their challenges.

6.2.2 The state's reaction to the threat of smoke

The community of Spring Valley has frequently earned plaudits from government structures for the non-confrontational nature of their engagements. The eMalahleni Local Municipality, the Nkangala District Municipality and leadership structures of the African National Congress have always praised the community of Spring Valley for not engaging in violent service delivery protests, but this has not made any difference to improvements in service delivery.

The community has been constantly frustrated by the empty promises from the municipality, therefore it has been compelled to adopt new strategies to seek their attention. One of the strategies involves the threat of triggering 'smoke'. The strategy is similar to the situation described in the 'Smoke that calls: Insurgent citizenship, collective violence and the struggle for a place in the new South Africa' produced by the Centre for Study of Violence and Reconciliation⁷ (CSV). In the paper, CSV highlights

⁷ CSV, Wits SWDP. (2011). The Smoke that Calls: Insurgent citizenship, collective violence and the struggle for a place in the new South Africa. Eight case studies of community protest and xenophobic violence

the eagerness shown by the government in responding to violent service delivery protests that are typically symbolised by the bellowing smoke from burning tyres. Government structures are fully aware of the service delivery concerns, but there has been little commitment to addressing them.



Figure 14: The state's quick reaction to smoke or the threat of smoke

Scenario 2 A: community protest at eMalahleni Local Municipality

In October 2013, the Spring Valley Development Forum mobilised community members and resources, and planned a sit-in at the eMalahleni municipal offices. The news of the impending sit-in got to the municipality, and the municipal officials went into a frenzy. They sent senior municipal officials to Spring Valley to discourage the community from proceeding with the sit-in. Community members of the Spring

Valley Development Forum also got calls from the mayor and municipal manager urging them to abandon the sit-in. However, the community proceeded with the sit-in. On their arrival at the municipal offices, a hostile environment met them, with an exaggerated congregation of security personnel from the South African Police Services and the municipal security. Police were drawn from as far away as Bushbuckridge (three hours' drive from eMalahleni) and the whole municipality was a sea of heavily armed security detail. The community members were unmoved and proceeded with their sit-in until they were addressed by the municipal mayor.

May 2015 witnessed a repeat of the events of October 2013.

Scenario 2 B: Community protest at Nkangala District Municipality

In October 2015, the Spring Valley Development Forum expressed the community's unhappiness, on the non-delivery of basic services, to both the local and district municipalities. The eMalahleni municipality promised to address the issues but nothing materialised. The community then informed both municipalities that they intended embarking on a march to the district municipality offices. In panic, the eMalahleni local municipality promptly contacted the forum and requested a meeting before the planned date of the march. The committee agreed to meet with the municipality. The mayor and senior municipal officials tried to convince the Spring Valley Development Forum and other community members in attendance to suspend the planned protest action. Promises were made that the water situation would be afforded immediate attention. The forum members were sceptical about the promises as they recalled that the same promises had been made before, and decided to proceed with the planned protest.

Part 2: *With buses filled with community members on the day of the protest, the panicking municipal mayor, administrator and senior municipal officials went to Spring Valley and further attempted to discourage the community from continuing with the protest action. The municipal manager presented*

the committee with written undertakings of the promised actions for the resolutions of service delivery concerns. However, the municipalities' actions came too late and the community proceeded with the march to the district offices where they were addressed by both the eMalahleni mayor and the Nkangala District mayor.

The experiences of the Spring Valley community show a government that acts swiftly when there is a threat of protest action, and/or where protest action is taking place. This situation echoes similar trends nationally where 'smoke' is a method that communities resort to use in their attempt to get action and intervention from the state. Numerous examples of this trend have been recorded in the media, notably:

- The community of Malamulele that barricaded roads, and closed off the town until the intervention of the Deputy President, Cyril Ramaphosa and the Minister of Cooperative Governance and Traditional Affairs, Pravin Gordhan;
- The community in John Taolo Gaetsewe district that halted schooling for nearly three months, prompting the Ministers of Basic Education and Police to intervene.
- In a roundtable discussion held at Planact in March 2016, while discussing draft tools to improve service delivery, a representative from Slum Dwellers Association expressed dissatisfaction with service delivery in South Africa and passionately asserted that **"we shall not stop instigating smoke if the government fails to address our needs"**.
- In Vuwani village, 24 schools were vandalised and burnt, prompting high level interventions from the Limpopo Premier Stan Mathabata, Co-operative Governance Minister Des Van Rooyen, State Security Minister David Mahlobo, and the Cogsta Member of the Executive Committee Makoma Mkhurupetja.

Despite these occurrences, Planact continues to promote the peaceful expression of community demands. However due to its role in facilitating participation, Planact does attend protests as observers with the intent to understand the socio-political dynamics and to be able to formulate relevant programmes in order to assist both communities and municipalities.

6.2.3 Influential political formations are valuable assets in public participation

Political organisations in South Africa are commonly associated with partisan viewpoints that do not necessarily act in the interests of an entire community's needs. This is particularly the case in wards and municipalities that are closely contested between the Democratic Alliance (DA) and the African National Congress (ANC). Accusations and counter-accusations become the order of the day as political organisations work against each other for political mileage, even resorting to sabotaging each other.

Spring Valley informal settlement has interesting political dynamics. The informal settlement is located in Ward 34, a DA controlled ward (one of the six, out of 34 eMalahleni municipality wards) but the population of Spring Valley is predominantly ANC. The community is at odds with the ward councillor because of their opposing political affiliations. Effectively, the ward councillor does not play any role in any of the issues raised in Spring Valley, and is not involved in any development initiatives for the settlement. The ward councillor has previously lamented the hostility from the community towards her in her attempts to open up communication channels, and the community of Spring Valley does not deny their hostility towards her. In fact, the majority of community members believe that they cannot have a working relationship with "people from the DA".

The complex political situation in Spring Valley would, under normal circumstances, be one of the major reasons for the breakdown of effective public participation and consultation. Surprisingly, the opposite is happening in Spring Valley. Instead, the community is currently exploiting the political situation to enable them to get rapid responses to their consultation requests. The ANC controlled municipality has been quick to respond to issues and requests from Spring Valley community as it plays into the political manoeuvring that is in overdrive with the looming 2016 local government elections. In the bigger scheme of political dynamics, the ANC hopes to wrestle the ward from the DA in 2016,

and as such it needs to be seen responding to the calls of the community. Spring Valley Development Forum members have openly admitted to the ease of getting an audience with politicians and senior government officials. Notable examples of the political importance of Spring Valley are: the holding of the Nkangala District Feedback imbizo in Spring Valley; the high attendance of ANC and municipal officials to the community organised anti-xenophobia event organised by the Spring Valley Development Forum; and the large delegation of senior municipal and high ranking ANC officials in Spring Valley when the community was on its way to staging a sit-in at the district municipality.

In appreciation for the advantages in following the political channels, the community made a resolution to raise and address their issues through the branch and regional structures of the ANC. Several committee members of the Spring Valley Development Forum are either very active members of the ANC, or hold positions in the Branch Regional Committees. This action by the community proved to be a master stroke as they got fast responses from influential politicians (some of whom are employed in the local municipality). Significant benefits of taking the political route have included:

- Easier and faster access and audience with senior municipal officials;
- Ease in direct access to the mayor and municipal manager/administrator as these high ranking officials were more responsive to ANC "directives" to meet with communities, as opposed to calling their offices and requesting appointments;
- And increased presence of high ranking and influential politicians, up to the level of Members of the Executive Committee (MEC), in the community.

The community of Spring Valley has also conveniently used the threat of not voting in branch and regional meetings to get more attention to their service delivery problems. The community has also been sending threats on not voting, and/or disrupting, the 2016 local government elections if their service delivery demands are not met by the municipality. The community strongly believes that engaging in protests or any other form of threats compels the municipality to address their demands.

7. Summary of Planact's achievements in Spring Valley

Issue A	Nkangala District Municipality funded the construction of water infrastructure in Spring Valley. The infrastructure included 100 000-litre water reservoirs, a network of communal standpipes, a windmill and tap for the school, and two generator powered water pumps at selected boreholes. However, the infrastructure did not benefit the community as the generators installed did not have enough capacity to fill the reservoirs, and consequently, the reservoirs could not provide water to the taps.
Action by community	Spring Valley Development Committee and Planact further lobbied the district municipality and it agreed to fund the installation of a solar powered pump at the boreholes.
Results	<p>The project was approved in the municipal budget and implementation is to commence in April 2016.</p> <p>The committee, with the advice of Planact, re-engaged the municipality to increase the number of water tanks in the area and the request was granted. In addition to the increase in the number of water tanks, the municipality also agreed to the delivery of water on a daily basis to the community (as to the previous 3 days per week arrangement). The intervention has been beneficial to the community even though there have been challenges.</p> <p>The community development committee with the support of Planact therefore continued to negotiate with the community with the view of finding a long-term solution to the community's basic needs.</p>

Issue B	The contractor stopped delivering the water to the community at expected times, consequently residents experienced water shortage for several months.
Action by Planact	Planact initiated a social audit of the water provided by the Municipality through the contractor. The social audit exercise has been completed.
Result	<p>Planact is compiling a comprehensive report. The report will be distributed to the public by June 2016. The social audit revealed that the contractor engaged by the eMalahleni Municipality to deliver water is paid between R400, 000 and R500, 000 per month and that the quality of water delivered is poor (Draft Social Audit Report, 2016).</p> <p>Residents also expressed concern about the lack of a renewed formal agreement between the municipality and the contract in 2016, following the expiry of the initial agreements in 2015, the contractor's operations are based on verbal agreement.</p> <p>Planact hopes the report will pressure the municipality to rectify the anomalies identified in the social audit.</p>



Figure 15: Planact and the Social Audit Team at Spring Valley during the Social Audit

8.0 LESSONS LEARNT and recommendations

While the policy and regulatory frameworks guiding public consultation in South Africa adequately address the issue of community participation in development, in practice there is often poor implementation of the frameworks and processes prescribed. This sometimes results in frustrated communities, consequently such actions as protesting and the burning schools, libraries and clinics because they feel that they have exhausted all public consultation avenues with no results. As has been shown in this document, the residents of Spring Valley community have also reached a stage of intolerance and are now embracing aggressive approaches to put pressure on local government to provide services. Despite this, Spring Valley still places much value in following the approved channels of expressing demands to local government and have demonstrated this by the efforts they have made to have meetings with the municipality.

Planact's involvement in Spring Valley over the last decade has increased their understanding of the community's and municipalities' challenges; and this, in many ways, has served to shape the organisation's development programmes. Various lessons have been learnt, and in turn recommendations for improving public participation in vulnerable communities have been used in the implementation of Planact's work in Spring Valley.

The main lessons learnt and recommendations are;

- Through working in Spring Valley and other communities, Planact has learnt that practitioners and development agencies need to prioritise addressing the power relations in communities because they cannot be wished away. These power contests adversely impede project implementation and other development processes. For this reason, the promotion of participatory governance should be a priority in all development programmes.
- Community cohesion, unity and strength in numbers coupled with a recognisable, informed

and unified community leadership structure is one of the strongest foundations for effective public consultation. Municipalities have well-documented histories of dealing with advocacy from communities as defiance that should be 'dealt' with. In this regard, some municipalities adopt the tried-and-tested divide and rule tactic to destabilise any advocacy initiatives from communities. Disorganised communities fall victim to these tactics, and in the process nullify any consultative processes.

- Under specific circumstances, communities should exploit the willingness of political formations and use them strategically to buttress their public consultation exercises. However, this option should be given full consideration and careful thought so as to avoid results that could possibly be the opposite of what the community wanted to achieve. For example, using political channels in areas of high political hostility could lead to even more hostile receptions from the municipality.
- It is recommended that communities streamline their demands at the time when they have to negotiate with their municipalities. Once the demands are selected, the community should deliberate on them, refine the presentation of the problem issue(s), offer alternatives and also show the initiatives that the community is willing to take to resolve their issues. This recommendation is particularly important as it redirects the focus of the community on specific issues, and prevents them being distracted by other concerns. In addition, by giving thought to a particular concern and refining the presentation, the community gains the advantage of holding strong arguments for their cause against bureaucratic and jargon-laden explanations which are often presented by municipal officials in order to obfuscate actual facts. This approach also helps avoid situations where community members all raise different issues, and in the process lose sight of the crucial issue.
- Vulnerable communities should target cooperative, senior, and decision influencing municipal officials, and they should also ensure that they keep communication channels open to maintain the good standing of such important relationships. Worth noting is that communities' access to senior municipal officials is notoriously complicated and proves hard to crack if a community

does not have a cooperative ear. Planact's experiences reveal that sometimes communities' frustrations can lead to them being hard on all officials including those who can be cooperative, thus closing down that important access.

- Communities should be encouraged to analyse trends to enable them to identify exploitable events, and upcoming activities that could give them access to government consultative processes, e.g.:
 - Upcoming elections;
 - Service delivery protests in neighbouring communities;
 - Political congresses;
 - And impending visits of senior national leaders.

Local municipal leaders have proven to be very attentive to communities when they are aware of just such impending important events, therefore communities can use these opportunities to push for the resolution of community issues.

- It is vitally important for communities to properly record events, meetings, submissions into the IDP, petitions and any other correspondences with local municipalities. There have been occasions when some officials deny statements, promises and commitments that they had previously made. With effective and accurate documentation, communities will have the ability to refer to written documents and appropriately intervene.

9. CONCLUSION

The case study of the Spring Valley informal settlement reviewed in this document clearly demonstrates that power relations underpin participatory governance processes. It is imperative for non-governmental organisations to understand power relations existing in project areas. In any community, it matters who has authority and access to resources because their decisions impact the development of the area and participatory governance process. Current practices of public consultation at local government level do not always adhere to the norms and standards as stipulated in Constitution of South Africa and in municipal policies. The state has the tough task of ensuring that local municipalities adhere to the norms and standards of public consultation and to redress the problems of poor service delivery and the frequently resultant violent protests. Communities have a very important role to play in complementing COGTA's role by ensuring that their local municipalities implement effective public participation in a meaningful manner. The case of Spring Valley illustrates that various strategies can be adopted by communities to make their municipalities comply with policies and regulations, with varying results.

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