**CHAPTER 7**

**PUBLIC PARTICIPATION**

**7.2 PROVINCIAL RAPID RESPONSE STRATEGY**

**7.2.1 PURPOSE OF PROVINCIAL RAPID RESPONSE STRATEGY**

The purpose of this document is to provide a framework towards effective management of public protests.

**7.2.2 LEGISLATIVE MANDATE**

### **The South African Constitution Act (Act 108 of** 1996):

### Chapter 7 Section 154, The national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.

### Section 41, provides that all the spheres of government and all the organs of the state within each sphere must exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere.

### Chapter 2 Section 17, everyone has the right, to peacefully and unarmed, to assemble, to demonstrate, to picket and to present their petitions.

### **Intergovernmental Relations** **Act of 2005:**

* The object of this Act is to provide within the principle of co-operative government set out in Chapter 3 of the Constitution a framework for the national government, provincial governments and local governments, and all organs of state within those governments, to facilitate co-ordination in the implementation of policy and legislation.

### **The Regulation of Gatherings Act (Act no. 205 of 1993):**

* To regulate the holding of public gatherings and demonstrations at certain places; and to provide for matters connected therewith. Section 4 of the Act provides for the establishment of a committee to

**7.2.3 APPLICATION**

As per Rapid Response strategy,the Department supports municipal councils to establish their own Rapid Response Teams towards effective public protests management. These teams must be established through a council resolution specifying the membership and terms of reference of the team. Council, as it is the case with the rest of its committees, has the responsibility of oversight over the Municipal Rapid Response Team.

##### **GLOSSARY** **OF** **DEFINITIONS**

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| **Term** | **Definition** |
| COGTA |  Cooperative Governance and Traditional Affairs  |
| Consultation | A process whereby the views of another on a specific matter are solicited, either orally or in writing, and considered; |
| HOD  | Head of Department |
| KZN  | KwaZulu-Natal  |
| MEC for Local Government | The member of a provincial Executive Council who is responsible for local Government matters in the Province; |
| Stakeholder | An institution that has an operational interest in intergovernmental activities |
| Provincial Government | The provincial executive established by Chapter 6 of the Constitution for each Province, and includes all Provincial organs of state in that Province |
| Local Government | A municipality, and includes-(a) All municipal entities under the sole or shared control of the municipality within the meaning of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003); and(b) All organs of state in that municipality or such municipal entity; |
| Mayor | In respect of the different types of municipalities, means-(a) A mayor elected in terms of section 48 of the Local Government: Municipal 30 Structures Act, 1998 (Act No. 117 of 1998);(b) A speaker who is called a mayor in terms of section 36(5) of the Local Government: Municipal Structures Act, 1998; |
| Minmec | A standing intergovernmental body consisting of a Cabinet memberand members of the provincial Executive Councils responsible for functionalareas similar to those of the Cabinet member; |

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| **SECTION 1** |
| **INTRODUCTION, SITUATIONAL ANALYSIS AND PURPOSE** |

**INTRODUCTION**

In trying to organise and structure how communities raise their awareness and dissatisfaction in a manner that does not infringe on other people’s rights, this strategy outlines structures, processes and procedures that will quell the community appetite for taking to the streets and channel objections before people go to protest.

It can also be argued that some; if not most of the public protests are as a result of issues beyond the competency of municipalities. Some documented and perceived reasons for communities to protest include the following:

* Unequal and segregated distribution of land in both rural and urban areas,
* The demand for housing,
* Poor Service delivery
* Government Corruption
* Undemocratic structure of wards and development forums,
* Top down selection for party positions,
* Top down and authoritarian approaches to governance (or a lack of consultation),
* Evictions and forced removals,
* Rampant crime,
* Unemployment,
* Alleged police brutality,
* Municipal and Provincial border demarcation issues,
* Increases in transport prices,
* Electricity disconnections, increases in electricity prices and the failure to provide electricity to shack settlements,
* Over-crowding in schools,
* Failure to install traffic calming measures on roads adjacent to shack settlements,
* Low wages

The view is also expressed that many so-called service delivery protests have underlying party political motives, fuelled by inter and intra political tensions.

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| **SECTION 2** |
| **PURPOSE, RATIONALE OF THE STRATEGY AND LEGISLATIVE FRAMEWORK** |

**PURPOSE**

The purpose of this strategy is to provide mechanisms by which the public can voice their awareness as well as dissatisfaction of government programmes or lack thereof. It is not meant to replace any of the mechanisms required by Chapter 4 of the Municipal Systems Act, 2000 (Act No 32 of 2000), but rather to supplement them.

**RATIONAL OF THE STRATEGY**

There are fears that protests are becoming institutionalized as a legitimate form of action to express community grievances. It is noted that service delivery concerns, the lack of real influence on local decision making, combined with weak and seemingly unresponsive local leadership, are critical factors that serve to fuel recurring spates of community protest across the country. Furthermore, there is also consensus that structures and processes to facilitate community participation, especially at local government level, are often symbolic or used in an instrumental manner. That is, these are adhered to because legislation requires it but are not a genuine opportunity for people to influence development policy or programme, or even gain a better understanding of it. At best, this produces wish lists from communities who have no concept of the real constraints, necessary trade-offs, or the setting of priorities. The lack of feedback and accountability on the part of local government representatives further aggravates this state of affairs.

The Province of KwaZulu-Natal needs to build on the good work that has been done, such as the introduction of our communities to community based planning which gives communities the opportunity to inform development in their areas, and Operation Sukuma Sakhe which is a call by government to the communities to stand up and take responsibility for their own development, working together with government. Both these programmes provide avenues for communities to voice their concerns and make contribution to government programmes. This goes hand in hand with the need to train communities in order to be assertive, yet constructive, and effective in decisions affecting their development. The critical question in the end is how to reconfigure the reactive, confrontational, paternalistic and sometimes passive relationship between communities and the state to one that is constructive and results in responsive engagement.

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| **SECTION 3** |
| **STRUCTURES, PROCESSES and PROCEDURES** |

**3. THE STRATEGY**

Increasing community participation, inter-action and engagement in local governance can help deepen democracy and improve good government. In pursuing community participation various kinds of legislation and policy by both national and provincial government have been developed.

The purpose of the strategy is to provide mechanisms by which the public can voice their awareness as well as dissatisfaction of government programmes or lack thereof. It is not meant to replace any mechanisms as required by Chapter 4 of the Municipal Systems Act, 2000 (Act No 32 of 200), but rather supplement them.

In trying to organise and structure how communities raise their awareness and dissatisfaction in a manner that does not infringe on other people’s rights, the strategy outlines structures, processes and procedures that will quell the community appetite to take to the streets and channel objections before people go to protest.

**3.1 The Structures**

In terms of Section 17(2) of the Municipal Systems Act, a municipality must establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality.

* ***WARD COMMITTEESS***

All qualifying municipalities are of the ward participatory type as ward committees are the primary vehicle of community participation. Section 73 of the Municipal Structures Act, 1998 (Act No. 117 of 1998) governs the establishment of ward committees and provides that they must be constituted of ten members plus the ward councillor who represents the ward in the council. The main function of ward committees is to make recommendations on any matter affecting its ward to the ward councillor; or through the ward councillor to the municipality.

Two more structures exist and have been integrated into Ward Committees to ensure alignment, eliminate duplication and maximise government resources. These are the Transport Committees and Safety Committees established by the Departments of Transport and that of Community Safety and Liaison respectively. The Transport Committees are meant to address transport issues starting at a ward level, while Safety Committees address safety issues in a similar manner. Both these structures have since been incorporated into ward committees. In light of the fact that these structures all serve as a link between communities and government, they could equally be utilised to mitigate against any destructive behaviour by communities.

* ***OPERATION SUKUMA SAKHE***

Operation Sukuma Sakhe is a Provincial approach to War on Poverty which calls to communities to get up and assist in ensuring that services are implemented in an integrated manner to the satisfaction of communities. This approach has established structures in all communities. These structures are anchored on active community members, under the leadership of local leaders including ward councillors and traditional leaders. These structures could also be activated to act as early warning systems for government to quell any potential protests, while also acting as structures for communities to submit their comments and recommendations.



**Operation Sukuma Sakhe Structures at Ward Level**

* ***COMMUNITY DEVELOPMENT WORKERS***

In January 2003, National Cabinet Lekgotla resolved to establish the Community Development Worker Programme (CDWP), whose focus would be to enable communities to make better use of government services and benefits, to foster community development as well as to improve the quality of life of citizens. Based on the January 2003 Lekgotla resolution, the February 2003 State of the Nation address announced that:

“Government will create a public service echelon of multi-skilled community development workers who will maintain direct contact with people where these masses live. We are determined to ensure that government goes to the people so that we sharply improve the quality of outcomes of public expenditure, intended to raise the standards of living of our people These CDWs can be used as early warning mechanisms to identify hotspots and report any threats within the communities to government for attention and speedy resolution.

* ***RAPID RESPONSE TEAMS***

There is a Provincial Rapid Response Team that is entrusted with the task of handling service delivery protests. This team liaises with municipalities, sector departments, and affected communities and individuals in a bid to resolve the issues raised by protesters. The ultimate result is the crafting of a collective solution that must be accepted by all the parties involved. The Department has supported municipalities with the establishment of their own Rapid Response Teams which help fast track the resolution of the matters raised and prevent further occurrences of service delivery protests.

There are a number of other structures, mechanisms and processes which could support the alleviation of service delivery protests. These will be elaborated upon further in this strategy document.

**3.2 PROCESSES AND PROCEDURES**

There is a general observation that service delivery protests have become rife throughout South Africa. Although it has been reported that KZN has experienced an increase in service delivery protests, studies have shown that the Province of KwaZulu-Natal has witnessed fewer service delivery protests compared to other provinces. The following factors can be noted to have contributed positively to the situation at hand:

* Effective communication strategies and existence of relevant structures at both provincial and municipal level.
* Meaningful engagement of relevant stakeholders including sector departments.
* Good relations between the Department of Co-operative Governance and Traditional Affairs (CoGTA) and municipalities
* Municipalities spending their funding more appropriately on service delivery projects thus avoiding huge unspent amounts on their budgets.

It should be noted however, that despite the measures which are in place, the number and volatility of service delivery protests continue to rise. The current measures are fragmented and are implemented with an unfortunate silo bias. It is clear that an examination and review of current processes is required and that a number of initiatives should be introduced to ensure a co-ordinated approach. Mechanisms should include:

* Pre-emptive measures to alleviate the need for protest by communities
* Early alert systems aimed at detecting community discontent and responding prior to the escalation of such discontent to actual protest. Early alert systems will also enable a swift and responsive government approach should a service delivery protest occur.
* An immediate responsive approach where government responds to service delivery protests and facilitates solutions to the demands and challenges raised by protesting communities through Rapid Response teams.

***(a) PRE-EMPTIVE MEASURES***

(i) An informed community

A community which is well informed of government planning in respect of basic services will be less inclined to stage protests. It is acknowledged that there are many communities which suffer from a lack of basic services and that there are bulk infrastructure and financial constraints to the immediate provision of such services. These communities should be fully briefed on their situations and be informed of the time-lines to the provision of the required basic services. Eskom have a Provincial Electrification plan, there are universal access plans for water in each district and the Department of Human Settlements should be well-placed to provide medium term plans for housing in the Province. It is accordingly suggested that each of these plans should be broken down to ward level and that ward councillors and their ward committees be tasked with the dissemination of such information within all affected wards. There is a risk that planned time-lines may not be met, given relatively poor capital expenditure trends by municipalities. Municipalities must be encouraged to spend their funding more appropriately on service delivery projects, thus, avoiding huge unspent amounts on their budgets. Essentially, there should be a link between capital expenditure and service delivery i.e. if municipal funding is utilized correctly and in a responsive manner, the number of service delivery protests would be lessened. The Department encourages municipalities to spend all their Municipal Infrastructure Grant (MIG) funds thereby avoiding returning some of the money to the National Treasury. Unless this occurs, this aspect has the potential to create future reasons for protest. Accordingly it is submitted that an integrated support system be implemented to ensure that municipalities are enabled to fully use funds on their capital budgets.

(ii) Community Based Planning

The Province has recently concluded a programme that introduced community based planning to all municipalities. The programme included the concept and processes of developing community based plans, and culminated in the development of a Provincial approach. The process was well-received by municipalities and communities alike.

Implemented correctly, the approach will assist in ensuring that communities are involved in the development of the own ward plans, are informed of what will be included in the Integrated Development Plans (IDPs) of the their municipalities, the timing of delivery of programmes and projects, the involvement of various stakeholders and Departments in the development of IDPs from the ward level and promote community action. The process should be taken forward through the participation of all stakeholders and should inform departmental plans. The process involves detailed community consultation and issues emanating from this process should be taken seriously to avoid community apathy. The process also allows constant monitoring and continuous involvement of communities as it is not a once-off, but a continuous cyclical process.

In keeping with the fundamental principle that communities perform the ultimate oversight role over the performance of municipalities, a uniform reporting process from municipality to community should be devised and implemented. Bearing in mind that communities must be involved in the formulation of the municipal IDP, reporting back to the community on performance in meeting planned indicators and targets is essential and again promotes the aspect of a well-informed community. Mayors and Speakers should be tasked with the implementation of a uniform system of reporting back to communities on performance, via road-shows, community meetings and the ward committees. The implementation of such a process will enable communities to monitor whether the time-lines for the provision of basic services is on track and will be met.

(iii) Community Structures

The local structures as mentioned in section 4.1 above, will need to continuously submit community concerns to the Office of the Mayor or Speaker and War Rooms as soon as these have been received. Upon receipt of the concerns, the affected parties will need to urgently convene a meeting with the concerned parties to address the issues. Should the concerned party not be satisfied, the process of elevating the concerns will be explained to the concerned party. All institutions of government will also need to develop citizen’s charters for display at key strategic points to ensure that community members are aware of avenues for recourse available to them.

***(b) EARLY ALERT SYSTEMS***

All government cadres should also be trained on channels to follow in reporting any threats to service delivery, should they identify these within the communities. Government cadres include all ward committee members, community care givers, youth ambassadors, NARYSEC officials, social crime prevention volunteers, extension officers, etc. Once received, these issues should be reported to the Department of Cooperative Governance for activation of the District Rapid Response Team. The Rapid Response Team would then activate the relevant stakeholders for a speedy solution to the issue and subsequent engagement with the concerned party.

In this respect, it should be noted that there are:-

* 412 CDWs, located in 458 wards within the Province.
* 870 ward councillors. A data base of names and contact members of all ward councillors exists and is practically complete.
* There are 8 700 ward committee members located within the Province
* The figures above do not include other cadres on the ground, such as Youth Ambassadors, extension officers and others. These cadres who are deployed on the ground should form the basis on an early alert system and their reports should flow through an appropriate channel effectively and efficiently.

Once this system is operational, responsive governance dictates that swift intervention occurs and stakeholders are engaged to forge amicable solutions.

**3.3 COMMUNITY DIALOGUES**

Open community dialogues on any issue of interest to the community should also be arranged. These are sessions to be held in halls, open parks or even schools to engage the community on any issue which may be of interest to the community. Though open, the sessions should not be allowed to transgress from the intention of getting the community to constructively engage on their development. The sessions should as much as possible be used to encourage the community to discuss solutions to their problems rather than present only challenges and should be channelled to presenting what they can do rather than what it is that government should do for them.

**3.4 MUNICIPAL RAPID RESPONSE TEAMS**

The Provincial Rapid Response Team and Municipal Rapid Response Teams constantly engage one another on strategies to utilize in dealing with service delivery protests. The Department facilitates the engagement of all relevant stakeholders. It studies the issues raised and identifies the relevant stakeholders who are then invited to take part in the series of meetings geared towards resolving the issues raised. For example, if the issues raised relate to housing and electricity, the Human Settlements, Energy and Eskom are brought on board to contribute meaningfully. Remedial actions are crafted by these stakeholders and this helps in terms of ensuring the ownership of solutions arrived at. Subsequently, this paves the way for commitment and effective implementation. Meetings of stakeholders must come up with credible and responsive action plans with reasonable time frames.

The Municipal Rapid Response Teams fulfil the following functions:

* Ensure rapid response to areas that are pressure points and threatened by service delivery protests. These officials should opt to at least put processes in place to address concerns raised by communities if immediate solutions cannot be found.
* Put in place early warning systems that inter alia gather intelligence information on service delivery protests and pre-empt them.
* Facilitate local engagement prior and after the service delivery protests.
* When a service delivery protest has taken place, a Municipal Rapid Response Team must inform the Member of Executive Council (MEC) for CoGTA of petitions and protest marches.

The following principles apply:

* The Municipal speaker is the responsible person for community engagement.
* The issues raised in every petition or at any march or demonstration must be communicated in the first instance to the Executive Committee (EXCO) and then to Council.
* EXCO and /or Council’s comments and planned actions on each and every issue must
* be sent to CoGTA within 7 days of receiving a petition

The process of establishing Rapid Response capability in all municipalities must be completed urgently and in each year there must be continuous support given to municipalities to strengthen or reconstitute their MRRTs. In addition, the present fragmented and ad hoc approach to engaging sector departments to be involved in Rapid Response process where appropriate, needs to be synchronized. An analysis of the reasons giving rise to service delivery protests indicate that within COGTA, the relevant line functions to be involved are Municipal Governance, Municipal Infrastructure, Municipal Finance and Municipal Planning. A senior official from each of these Units should be designated to form part of the Departmental Rapid Response team, where necessary dependent on the nature of the issues raised in any specific Service Delivery protest.

 **In respect of other Provincial Departments and state entities, the analysis indicates that service delivery protests are mainly pertinent to Human Settlement, Department of Water Affairs, Eskom and the Department of safety and Security. Again, these Departments and state entities should designate a senior official to manage aspects related to their respective line functions.** It will be necessary for stakeholders envisaged in this strategy document to be workshopped and trained on their respective roles and responsibilities to ensure effective implementation.

**3.5 DEPARTMENTAL RAPID RESPONSE SUPPORT**

The intervention provided by the Departmental Rapid Response team is to assist municipalities to enhance engagement of stakeholders and to provide constant feedback in order to reduce service delivery protests.

**3.5.1 From the Protest**

* A member of Rapid Response team must accept a memorandum from the complainants
* Within 48hours, RRT must send a written acknowledgement of the Memo or complaint and state actions to be undertaken. Such correspondence must be copied to the Municipality and/or the Department concerned.
* Where there is no Memo, members of RRT together with representatives of complainants must agree on the concerns which must be consolidated in writing and the document be signed by both parties.

**3.5.2 Process after receiving the Memorandum of Complaints**

* The RR team must ensure that there is identification of all relevant stakeholders that are required to respond to the concerns as raised by complainants
* A stakeholders meeting must be convened within a period of 14 days
* Stakeholders must develop and agree on a detailed implementation within the window period of 14 days using a standard template attached hereto as Annexure A.
* Meetings must be held monthly to monitor progress and the meeting must be attended by all relevant stakeholders, as identified in the implementation plan, and the complainants’ representatives.

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| **SECTION 4** |
| **CONCLUSION** |

All the existing structures can be utilised to address community dissatisfaction, and reinforced by all structures currently existing within communities working together. Structures are however not enough and need established processes to guide operations. Particular processes and procedures will need to be followed to ensure coordination and alignment of the structures.

As indicated in the introductory sections of this draft strategy document, communities tend to take to protest whenever they feel frustrated as a way of getting government’s attention. With all the structures and processes available for government to consult, involve and inform communities, the need for communities to protest can be eliminated. For an example, if all stakeholders work together with communities in the development of their ward plans, through the available structures, communities will understand the logical process and timing of delivering services. When communities are involved in the development of their universal access plans they will appreciate when and why basic services will become available.

The participation of government departments during the development of community based plans will also ensure that communities are informed of norms and standards of the delivery of each service, thereby eliminating unrealistic expectations on the part of communities. Paramount to all this is the support of the municipal principals of the processes, in so doing – changing the way of doing business when it comes to the development of IDPs to ensure community owned IDPs.

The acknowledgement of the “meaningful coincidence” of the similar intent of all these structures, processes and procedures of ensuring that communities are involved and informed of government processes will therefore assist in ensuring that citizens are able to voice their dissatisfaction as well make their recommendations to government. A well informed community is less likely to embark on service delivery protests.

***Annexure A***

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| **A-B-C OF STAKEHOLDER ENGAGEMENT IN A MUNICIPALITY** |
| **NAME OF MUNICIPALITY:** **DATE:** |
| **NATURE OF COMPLAINTS** | **REQUIRED STAKEHOLDERS** | **ACTION TO BE TAKEN BY DEPARTMENT OR MUNICIPALITY** | **TIMEFRAME** | **STATUS** | **PROGRESS** |
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