



# THE FUNCTIONING OF Ward committees CHALLENGES AND PROSPECTS

Ward committees were formally introduced in 2000, and many municipalities soon commenced the process of establishing them. The establishment rate of ward committees across the country now stands at over 90% and is growing, indicating a firm commitment to this mode of community participation. The Municipal Structures Act (Act 117 of 1998) provides that the objective of a ward committee is to “enhance participatory democracy”. Throughout the Municipal Systems Act (Act 32 of 2000), ward committees are mentioned as vehicles for community participation.

However, there is a consensus that the functionality of ward committees is a serious challenge. One of the questions posed by the Department of Provincial and Local Government in its current review of local government is: how can ward committees be made more effective? This article submits a few observations on some of the obstacles to the functionality of ward committees.

## Looking past ward committees

One of the most fundamental mistakes is to view the ward committee as the only way to conduct community participation; municipalities can be tempted to hide behind the ward committee and not see the incentive to look for other ways and means to find out about citizens' views, complaints and issues. The Constitutional Court has made it clear that community participation must be tailored to the intended decision (*Local Government Bulletin* 9(1), February 2007). For example, according to the Court, decisions that affect a section of the community must be discussed with that particular section. The decision about erecting a speed hump requires a different community participation process from the adoption of an IDP or a ward-based plan. The existence of ward committees, even if they function well, should not stop the

municipality from engaging creatively with communities around planning, new policies and intended decisions.

## Composition

The Structures Act requires that, in addition to equitable gender representation, the ward committee represents “a diversity of interests in the ward”. There is a concern that the composition of many ward committees does not live up to this requirement. In part, this seems to be the result of ‘naivety’ on the part of the Structures Act in requiring a ward committee to be representative, yet limiting its size to a maximum of ten members. In urban areas, ward committees usually comprise various civil society and business sectors. In rural areas, representation according to settlements and villages is the norm. In both cases, the maximum number of ten members makes it very difficult to achieve a realistic representation. In rural areas, the geographical size of the ward also makes it very difficult for members to physically attend meetings.

Also, it is a fact that political parties from across the spectrum have taken a keen interest in ensuring their representation in ward committees. In those cases the committees have become alternative sites for political contestation rather than structures for communities to bring issues to the attention of the municipal council.

## Payment

Currently, the Structures Act does not allow ward committee members to receive remuneration. It is now being argued that ward committee members should be paid for their work. Attendance fees, travel allowances and the like have been suggested as a solution to the lack of participation in ward committees. However, the remuneration of ward committee members by means of allowances and attendance fees may very well undermine the independence of the committees. It will damage the notion that members contribute as representatives

of their organisations, business communities, churches and so on. Instead, being a ward committee member becomes an income-generating activity and a 'stepping stone' to politics.

This does not mean that being a ward committee member has to 'cost' money. Municipalities must make sure that ward committee members can participate in meetings without having to pay money in order to do so. The question is whether the disbursement of allowances is the best way to do this.

## Role of the ward councillors

The fact that the ward councillor is the institutional link between the ward committee and the council is both a challenge and an opportunity. The opportunity lies in the fact that the concerns and aspirations of the ward can find resonance in the affairs of the council through the good offices of the ward councillor. However, there are ward committees that have a tense relationship with their ward councillor. Sometimes this is caused by a misinterpretation of roles – for instance, when the ward committee sees itself as a structure to which the ward councillor is 'accountable' and from which the ward councillor 'receives a mandate'. Such a view undermines representative democracy and alienates the ward councillor from the ward committee. This view also attracts political parties to the ward committees as they, quite naturally, seek either to protect or to confront the ward councillor in this context. In the same vein, when ward councillors view the ward committee as a nuisance or as an extension of their political influence, the ward committee will not be able to live up to the aspirations articulated in the Structures Act.

A common complaint by communities is that their ward councillor does not even live in the ward. Residency is not a formal requirement for candidacy or council membership as a ward representative. Should ward councillors not be forced to live in their wards?

## A compulsory ward committee?

Legislation is in the offing that will make it compulsory for municipalities of the ward committee type to establish ward committees. The need for this legislation, in the context of a 90% establishment rate, is not clear. Is the national legislative process being used to settle scores with individual municipalities? Nor is the rationale and timing for this legislation obvious. The functionality of ward committees is presented by the national government as an issue of great concern. Yet, at the same time, it wants to cement that same issue into a prescriptive law. There are promising signs that municipalities are managing ward committees better and new initiatives are emerging. Would it not be more opportune to await the emergence of best practice instead of entrenching a current, frail practice?

- The existence of ward committees, even if they function well, should not stop a municipality from engaging creatively with communities.
- Payment of ward committee members may undermine the independence of the committee.
- The ward councillor is not 'accountable' to the ward committee nor does he or she 'receive a mandate' from it.
- The fact that the ward councillor is the institutional link between the ward committee and the council is both a challenge and an opportunity.
- Municipalities can do much to improve the effectiveness of ward committees.
- Making ward committees compulsory is not wise at this stage and is arguably unconstitutional.

key points

There is also a strong legal argument against compulsory ward committees. The Constitution affords municipalities the right to make decisions on how they organise themselves internally. This is why the Structures Act permits – not obliges – municipalities of the "ward participatory" type to establish ward committees. How to institutionalise community participation is precisely one of the areas the Constitution had in mind when it foresaw and provided scope for innovation and creativity on the part of municipalities.

## Looking forward

Practically, municipalities can do much to improve the effectiveness of ward committees. They can, for example, ensure that ward committee members are enabled to actually attend meetings. They can also ensure that members receive appropriate training that equips them to play a meaningful role. Also, they can devise systems to ensure that what is discussed at ward committees finds its way, through report-backs at council meetings or otherwise, into municipal decision-making.

The ward committee system is a new institution and a complex one to manage. It offers great potential to complement representative democracy with participatory elements. However, if not managed carefully, it could either destabilise municipalities or slide into redundancy.



Dr Jaap de Visser  
Local Government Project  
Community Law Centre, UWC