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**The Role of Street Committees in the Governance of Informal Settlements:
A Case Study of Waterworks Township, Grabouw**

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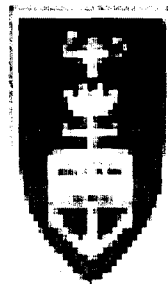
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*Mini-thesis is submitted in partial fulfilment of the requirements
for the Degree of Master of Arts in the Field of
Human Geography
at the University of Cape Town, South Africa*



UNIVERSITY OF CAPE TOWN

YUNIVESITHI YASEKAPA • UNIVERSITEIT VAN KAAPSTAD

**THE ROLE OF STREET COMMITTEES IN THE GOVERNANCE OF
INFORMAL SETTLEMENTS: A CASE STUDY FROM WATERWORKS
TOWNSHIP, GRABOUW**

**This Mini-thesis is submitted in partial fulfilment of the
requirements for the Masters Degree in Arts, in the Faculty of
Humanities, Department of Environmental and Geographical
Studies at the University of Cape Town.**

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DECLARATION

I Ncedo I. N. Mngqibisa, hereby declare to the best of my knowledge that this minithesis is original and has never been presented in any other institution, I also declare that any secondary information used in this minithesis has been duly acknowledged.

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DEDICATION

I dedicate this work to my late granny Notozi Mvunyiswa who passed away while I was busy with this work. She knew before me that I would be a postgraduate one day.

To my parents Nobandla and Mzwabantu Mngqibisa for their patience and support.

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To my family members, while I was busy with this project their patience was really tested, the expectation was that I should work at that juncture to extricate the family from the bondage of poverty but you endured patiently for me to finish this project.

Abstract

Community participation has become a key concept in research on the development and governance of underprivileged communities. It is on these grounds that the post apartheid South African government has encouraged meaningful participation between local communities and the state, particularly through structures of local government. However, the role that street committees can play in the realisation of this ideal has received little attention from either government or academic scholars.

For this reason, this study examines the role that the street committee in Waterworks, Grabouw, in the Western Cape plays in community governance. It analyses data from a qualitative study which took place between 2007 and 2008. In this thesis I argue that while the street committee has a role to play in the governance of the community, that role is limited by their lack of power. The street committee is not a statutory body and this hinders their ability to participate in local government issues. Despite these restrictions, the street committee in Waterworks was largely perceived by the local residents as doing their best in addressing pertinent issues. However, there were some who accused members of the street committee of nepotism and seeking political patronage.

ACRONISM AND ABBREVIATIONS

ANC	African National Congress
COPE	Congress of the People
CPF	Community Police Forums
IDASA	Institute of Democracy in South Africa
IDP	Integrated Development Plan
IFP	Inkatha Freedom Party
NGO	Non-Governmental Organisation
SALGA	South African Local Government Association
SANCO	South African National Civic Organisation
SAPC	South African Communist Party
RDP	Reconstruction and Development Programme

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Chapter One

INTRODUCTION

1.1 Context

Informal settlements are common features of developing countries and are characteristically the results of an urgent need for shelter by the urban poor (Haarhorf, 1983). While they provide the poor with shelter, they generally lack services that are synonymous with middle-class suburbs and other living environments elsewhere in the city. In South Africa, these informal settlements have a long history (Haarhoff, 1882) cited in (Haarhorf, 1983). However, since 1994 there has been consistent and substantial immigration of people from rural to urban areas in South Africa, largely due to unequal economic and infrastructural opportunities that exist between provinces and also between rural and urban settlements (Kok & Collinson, 2006). This rapid influx of people to urban settlements and more affluent provinces in South Africa's case has led to the expansion of informal settlements in urban centres where the housing demand exceeds supply. Informal settlements countrywide have increased from 1.049 million in 2001 dwellings to 1.376 million in 2003 (Statistics South Africa, 2004). The Western Cape's population alone increased from 4.5 million in 2001 to 5.3 million by the end 2007, and this population increase is attributed mainly to migration from the poor socio-economic conditions of Eastern Cape and the Northern Cape provinces (InternAfrica, 2008). Migration has led to high population densities which pose major challenges for both residents of these informal settlements as well as municipalities that must administer them (Kok, O'Donovan, Bouare & Van Zyl, 2003).

By definition, informal settlements (often referred to as squatter settlements) are dense settlements consisting of communities who live in self constructed shelters or homes that are officially unplanned and are illegally situated on land under conditions of informal or traditional land tenure (Mazur & Qangule, 1995; Saff, 1996; Huchzermeyer, 2004). Haarhorff (1983) suggests that in the South African context the term 'informal settlement' denotes residential development which broadly conforms to the following features: little or no formal planning, and have buildings that do not conform to the general building norms and standards. Informal settlements are typically characterised by a dense creation of small, makeshift

shelters built from different materials (wood, planks, plastics, cardboard, recycled zincs), degradation of the local ecosystem and by severe social problems. At present, 13.5% of all South African households live in informal settlements (Mazur & Qangule, 1995; Saff, 1996; Huchzermeyer, 2004).

It is important to note that the above definition and these characteristics might be misleading. For instance Haarhoff suggests that:

The use of legal criteria in defining settlements of this kind can be misleading. Informal settlements may be illegal in the sense that the land and/or dwelling occupation does not conform to defined standards and procedures, but not all informal settlement is illegal. Where for example, land is allocated and occupied to communal tenure practices and where dwellings are constructed outside of areas in which building regulations have jurisdiction, then such settlements are not strictly illegal. In South Africa, it is important to distinguish between 'formal' and 'informal' residential development as two broad categories and within these to identify various sub-types (Haarhoff, 1983:2/3).

In the context of developing countries particularly but not specifically, the term informal settlement carries a slightly different meaning the squatter settlement. There are numerous decisive factors used to differentiate between the two settlements. The most useful of these criterions is the land tenure. Squatter settlements are settlements in public settlements while informal settlements are settlements on private, legally owned land (El-Batran, M. & Arandel, 1998). However, in South African academia these terms are used interchangeable and construe no dissimilar meaning. Thus, for the purposes of this study these terms are used interchangeable.

Nonetheless, for this study, the definitions presented by Mazur & Qangule, (1995), Saff, (1996) and Huchzermeyer, (2004), combined with Haarhoff's (1983), characteristics of informal settlements is applicable. This is an applicable definition because it fits well with the observed features of the settlement where the study took place.

Informal settlements in South Africa present a myriad of difficulties including the increased exposure of residents to environmental health hazard (Makungo, 2002).

Poor service delivery and the deterioration of inadequate infrastructure have led to the pollution of water and soil due to human waste. There are also other issues such as poor leadership in many municipalities (Brynard, 1996), incapacity of the local officials (McEwan, 2003), lack of guidance (DPLG, 2001), elevated mistrust and lack of mutual understanding between the settlement leaders and local governmental officials and lack of community involvement in local government (McEwan, 2003). All these issues create an insurmountable barrier between the local government officials and the people on the ground and have the potential to perpetuate the poor service delivery and its concomitant problems. Unhealthy conditions where poverty and unemployment are widespread are also conducive to problems like diseases and the outbreak of fires in informal settlements.

1.2. Rationale

Effective governance and access to public amenities, which includes policing amongst other things, are vital services that enhance the quality of life of informal settlement dwellers (Baker, 2002). As such, there has been an emphasis by government on resurrecting street committees to tackle the current inefficiency of local officials in addressing issues such as crime (IRIN, 2008). It is important, however, to mention that there is no standardised mandate for street committees. While street committees play a vital role in acting as liaisons between local officials and communities, they have not received much attention from local geographers, anthropologists, social scientists and ethnographers. There are few dedicated studies on the day-to-day challenges and issues that the street committee are faced with. In their effort to deal with challenges facing their communities. Using a case study from Waterworks informal settlements outside Grabouw in the Western Cape, this study covers a range of socio-political issues concerning the street committees.

Street committees are vital civic structures whose intended purpose is to help with the development of communities, and service delivery, and also to be a voice of the people. The role of street committees is also subject to contestation. Some leaders in society like Blade Nzimande, the secretary of SAPC, suggest that:

from our 1980s experience, because of the proximity of street committees to the people, they are better placed to begin to identify and act upon a whole

range of other challenges facing households in a street, including levels of poverty, orphans and child-headed households, need for social grants, domestic problems including domestic violence, etc (Nzimande, 2008:4).

Others such as Mangosuthu Buthelezi, the Inkatha Freedom Party president, accuse the street committees of vulnerability to be used as tools to achieve maladaptive political agendas of certain political organisations. For example, the ways in which street committees were used to incite violence against the IFP in the name of maintenance of order during the late 1990s. Buthelezi argues that because the street committees were used in the past for political violence against certain political parties, the pronouncement made by the ANC at its Polokwane Conference in December 2007 that there should be a renaissance of street committees to help combat crime among other things, seeks to achieve a political agenda. The IFP president sees the call for the resurrection of street committees as little more than a vote winning strategy after nearly fifteen years of democracy where the ANC's support is starting to be wavering (IRIN, 2008). Irrespective of the contestation of their role, street committees are a vital part of community life particularly but not specifically in informal settlements. It is therefore vital that this structure be scrutinised so that their weaknesses and its strengths, particularly in the context of development of informal settlement, can be understood.

It is also envisaged that such a study will also add valuable information to the existing literature on the political issues and economic issues facing informal settlements in South Africa. Indeed this study seeks to explore the dynamics and the politics of street committees and the role they play in the governance of informal settlements. The study also explores the peoples' expectations of the street committees from the perspective of the community and how the street committees really perform their daily activities with regard to governance and representation of their community.

1.3. Aims and objectives

This study aims to explore both the issues confronting Waterworks street committee in their quest to address crucial issues in their community, and the way in which they work. It seeks to broaden understanding of the political challenges faced by both informal settlements and street committees.

It looks at the kind of work that the Waterworks street committee does in relation to governance of the settlement including crime management, service delivery and local politics.

It attempts to identify what kind of challenges that the Waterworks street committee is confronted with and to understand how this structure is perceived by the residents of this informal settlement.

1.4. Research question

The primary question that this study addresses is: what are the issues that the street committees deal with and how do they attempt to address them?

In examining this question, the study explores the role that the Waterworks street committee is expected to play in governance of Waterworks, informal settlements; the residents' perceptions of the street committee; how street committees address service delivery in this settlement; and the nature of negotiations between street committee and local officials.

1.5. Structure of research

Chapter one presents the background to the study, explains the rationale, and outlines the research questions and the aims and objectives of the study.

Chapter two presents the literature review and the history of street committees, in South Africa, and in the context of informal settlements. It also presents the theoretical framework on community participation in local government which is taken as a step towards the decentralisation of democracy.

Chapter three focuses on the research methods and the process of data collection.

Chapter four looks at the role that the Waterworks street committee plays in service delivery and the issues that either hinder or advance their participation.

Chapter five interrogates the role of the Waterworks street committee in maintenance of social order in their community, and critically looks at pros and cons of the informal justice system role that the this committee assumes.

Chapter six interrogates the relationship between the Waterworks local government and the Waterworks street committee, particularly the relationship between the committee and the ANC.

Chapter seven summarises and acknowledges the lessons learnt from this case study, and gives recommendations for further research and looks at the limitations of the study.

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Chapter Two

LITERATURE REVIEW

2.1. Introduction

This chapter offers an appraisal of the literature on street committee participation in the governance of local informal settlements in South African townships. It provides the historiography of informal settlements, street committees and the struggle for representation in pre-and post-apartheid South Africa. It contextualises the study within a theoretical framework of community participation.

2.2. Street committee

For the purposes of this study, street committees are defined according to what they do. Street committees are made up of street or area representatives, elected within a particular community, who voluntarily serve the community within which they operate and reside. The role of street committees has evolved over time and they no longer play the same role as they did in the 1980s. The main role that street committees seem to play in South Africa today is to preserve order in their communities and to represent people in local government.

2.3. History of street committees in South Africa

The emergence of street committees in South African townships is inextricably intertwined with the establishment of townships for black people. Black townships were traditionally put up on the periphery of white urban areas to house blacks who were employed there after leaving the rural areas to seek employment (Seekings, 1988). "People become squatters because nothing better is available. In the meantime, they must continue, find a haven and live in hope" (Marais & Kooy, 1978: 35). Governance structures were created by the government in these townships to represent residents. The first structures that were created were the Advisory Boards in the mid-20th century. These boards were made up of white officials who appointed or nominated black residents to assist with the management of black townships. However, these Advisory Boards were embroiled in internal problems which led to their disbandment. They were followed by the formation of Bantu Councils in 1967. These Councils were formed by the apartheid government to tighten the execution of

apartheid in urban areas and were accountable to the Department of Bantu Administration and Development (Cloete, Schlemmer & Van Vuuren, 1991).

Due to internal problems the Advisory Boards were replaced by the Urban Bantu Councils. These Urban Bantu Councils were created by the government to tighten the implementation of apartheid in urban areas by structures which were more directly accountable to the Department of Bantu Administration and Development. This form of representation was also rejected by the black urban residents. Subsequently, in 1977, the councils were replaced by fully elected councils through the promulgation of the Community Councils Act, which endorsed them. Township residents opposed these councils and they were labelled and stigmatised by residents for being government stooges whose mandate came from the government rather than from local people (Cloete et al, 1991). Between the late 1970s and the beginning of the 1980s, the local or street committees were becoming more radical and grew substantially in townships. Indeed most street committees were born in this period in response to the rent increases imposed by the government and inadequate township development (Seekings, 1992).

Between 1983 and 84 a number of street committees were formed in black, coloured and Indian townships around political concerns, chief among which was the boycott of township councils elected in 1983. The intensity of conflicts in townships and the collapse of township councils brought about the prominence of street committees in townships between 1984 and 1986. By late 1986, street committees were involved in wide-ranging negotiations with government institutions and business groups. In some townships, these street committees had unevenly distributed committee members and many were under the state of emergency. Crippled however by blatant disregard of people's grievances and conditions of townships not changing at all led to the re-emergence of the street committees in the 1989-90s (Cloete et al, 1991; Seekings, 1992).

After the unbanning of the ANC in the late 1980s and the disbanding of the UDF, ANC-sympathetic civics (street committees are sometimes referred to as civics in South African literature, but civics generally refers to all non-governmental structures which street committees are part of, see chapter six below) came together in 1991

and formed the South African National Civic Organisation (SANCO) which covered regions (Swilling, 1993). The prospect of transition was confusing for the street committees. The exact role that they ought to play in democratic South Africa was uncertain. The next section explores some of the challenges that the street committees faced during the post-apartheid period in South Africa.

2.4. History of participation and democracy in South Africa

“South African historiography has always been haunted by the fact that ‘academic’ debate about its past is a concealed argument about the future shape of South African society” (Bromberger and Hughes, 1987). Apartheid has left its mark on South African’s human settlement and local government institutions. Transformation necessitates a historical understanding of the role that local government played in perpetuating and producing local inequality, separation and the impact of apartheid on municipal institutions. Equally important is the history of resistance to the apartheid system at local level and the struggles against apartheid, local government and representation (White Paper on Local Government, 1998:20).

Cloete (1995) postulates that it was at local government level that the state’s apartheid value system manifested itself most vigorously. During the apartheid era, black people were treated like pariahs in their own land. Law divided racial communities in every sphere of life and whites benefited from certain privileges at the expense of coloured, Indian and black racial communities. During this terrifying period of our history, white local officials did not administer in an accountable and transparent manner. Apartheid local officials were too focused on control and failed to take an approach that was customer-oriented. In general, civic amenities such as parks, schools, hospitals and libraries were only provided and maintained in white communities. In such situations as mentioned by Cloete (1995) the possibility of community participation in local government did not even exist in imagination. Community participation in local government was reserved for a few elite, often white males. The marginalised black population were only the recipients of inadequate services, if they received anything at all (Mathegka, 2006).

In the post-apartheid era, there have been some policy and constitutional amendments that seek to redress the evils of the past at the municipality level

(the study deals with these issues in a later section). As much as there are changes on paper, the current government led by the ANC has also failed to translate them to practical community involvement in municipal government on the ground (Khosa, 2002). The majority of people are still not part of the decision making processes in local municipalities (Mathekga, 2006). Lack of community participation in the post-Apartheid era is captured nicely by Mathekga and Buccus. They point out that,

The idea that the new local government system in South Africa will function without the ability to secure broader community participation is an expression of a technocratic approach to governance. This use-value approach runs contrary to the participatory culture that has always characterized the anti-apartheid movement in South Africa. As a result of the hegemony of the technocratic approach in post-apartheid South Africa in particular, and in modern democratic society more generally, the current local government crisis is chiefly characterized by lack of community participation, corruption and poor service delivery (Mathekga & Buccus, 2006:12).

2.5. The Constitution of the Republic of South Africa, 1996

The transition of South Africa as a nation from apartheid to democracy meant that the previous oppressive Constitution and legislation were replaced by more progressive ones. The Constitution of South Africa which was passed in 1996 is the body of fundamental principles with which the state governs and as such, it serves as the base of the democratic political system of the country. It envisions total transformation of local government systems in which local government is given eminent status and a role in building democracy, enforcing development and uplifting the welfare of local communities. All this effort is meant to take government closer to the populace and accordingly support two of the essential mechanisms of good governance and democracy: accountability of the local government and participation of the communities (Putu, 2006b). Mogale (2005) points out that:

The Constitution of South Africa (Act 108 of 1996: Chapter 7) states that it is the object of local government to 'encourage the involvement of communities and community organizations in the matter of local government'. This requires a cooperative approach, an 'effective partnership' where 'local authorities ...provide strong leadership for their areas and their communities'. Therefore, the institution of local government, as stated by the Constitution, 'should

enhance opportunities for participation by placing more power and resources at a closer and more easily influenced level of government' (Mogale 2005: 136).

2.6. The White Paper on Local Government, 1998

The Constitution of Republic of South Africa, 1996, produced statutory bodies and policies that set in a motion of community participation of local communities in local government as essential to democracy of its citizens. For instance the White Paper on Local Government, (1998), lays out the new vision of the local government embedded in the Constitution. Mathekga and Buccus (2006) cited the White Paper of the on Local Government suggestion that:

The White paper established the basis for a new developmental local government system, which is committed to working with citizens, groups and communities to create sustainable human settlements which provide for decent quality of life and meet the social, economic and material needs of communities in a holistic way (Mathekga and Buccus, 2006:13-14).

The White Paper allows municipalities to afford local communities the opportunity for meaningful participation in issues that relate to the development of their settlements. Thus the new vision of community participation carried by this White Paper is the prospect of municipalities developing structures that would ensure interaction and engagement with the local representatives and councillors (Putu, 2006b). Furthermore, Putu postulates that if the municipalities are to realise this vision, they must build local democracy by developing strategies and mechanisms to continually engage with the general public, business, NGOs and community-based organisations. The White Paper seeks to encourage the facilitation of local community involvement in the decisions which affect the local community whether directly or indirectly. It also promotes the representation and communication of local community interest and needs within the municipality (Putu, 2006b).

2.7. Municipal Systems Act, 2000

According to Tshabalala (2006) the Municipality Systems (Act of 2000) requires community participation at political, social, economic and public levels. Tshabalala, (2006: 50), further stipulates that "the Municipal System's Act (Act 32 of 2000) has identified four levels at which community participation is required by the municipality namely:

- As voters – to guarantee utmost democratic accountability of the elected political leadership for the policies they are authorized to advance.
- As citizens who put across, through different stakeholders, associations, their vision before, during and after policy development process so that policy reflects community wishes as far as possible.
- As structured partners involved in the mobilisation of resources for development via for-profit business, NGOs and community based organisations.
- As consumer and end-users, who expect responsive services, courteous and affordable services and value for money.

The importance of community involvement is captured well by the legislative framework. It states that local government must commit itself to work with groups and structures from the community they are to serve, to find ways and means to address their socioeconomic and material needs and ultimately to improve quality of life in the community. The aim of this effort would be to provide or enhance possibilities for citizens to be able to monitor the performance of local government (Fukuyama, 2004).

2.8. Role of street committees in governance

In terms of the legislation, the role of street committees in local governance is not explicit. The only elected representative structure that has a clearly defined role is the ward committee. For instance, Chapter four of the Municipal Structures Act of 1998, states that the municipality must institute ward committees with the objective of encouraging participatory democracy in the local government. It compels municipalities to detail rules regulating the procedure for electing representatives to the ward committees. It further offers a framework for the functions of the ward committees and its powers, duration, compensation, how to deal with vacancies, and disbanding of the ward committees. The Act makes an overt provision for the establishment of ward committees as a possible way of enhancing community participation in the affairs of the municipality (Putu 2006b; Tshabalala 2006). However, there is no overt act that explicitly obliges the municipalities to recognise street committees as legitimate representatives of the community.

Perhaps implicitly, street committees are accommodated in the Municipality System Act of 2000. The Act requires that municipalities build up a tradition of municipal governance that complements representative governance within a system of participatory governance. Therefore, a municipality should create an environment conducive to local community participation in the process of service delivery that it has established (Tshabalala, 2006). Also the Constitution of South Africa Act no.108 of 1996, Chapter seven, authorizes local government to allow for communities participation of communities and community organisations in the matters of local government. Since street committees are community structures, it can be argued that they are also accommodated by this Act. However, there is no legislation that forces the municipalities to recognise the street committees as representative organisations that should be participating in the governance of local communities.

2.9. THEORETICAL FRAMEWORK: COMMUNITY PARTICIPATION IN LOCAL GOVERNMENT, A STEP TOWARDS DECENTRALISATION OF DEMOCRACY

2.9.1. Introduction

This section examines how the theory of community participation relates to promotion of democracy and good governance. The importance of this literature is that it will help to provide necessary framework for identifying the significance of street committees in the community and their role in the governance of poor informal settlements.

2.9.2. Community participation

There is little agreement as to the definition of the phrase 'community participation'. As a result, the use of term is very diverse and contextual (Putu, 2006a). According to The World Bank (1995), the term has assumed a various meanings depending on the field of study. In the field of developmental economics the term is used to mean the participation of the underprivileged in order to ensure that the benefits of a particular project are shared equally. In the field of Political Science, community participation strictly means involved people having 'significant' control over the decisions concerning their own organisation. Community participation is widely defined as involvement of people in decision making about issues that affect their own lives (World Bank 1995). This definition is consistent with Amstein's (1969) definition cited in Bickerstaff & Walker (2000), which understood community

participation as the involvement of people in decision making with the sole purpose of influencing choices made. Amstein's argument was that community participation is a qualitative or full participation of people in decision-making and full control of participants in projects that are aimed at developing their communities. To Amstein, there were clear demarcation line between community participation and mere consultation of people in projects. Consultation 'in projects that are aimed at developing communities', is an invitation of people's comments on projects that are conceived, defined by experts with an expert's preferred solution to the problem. He found value in peoples' control of decision taking and ownership of the process while anything less than that he viewed as manipulation. In this context, Amstein's manipulation means, inviting community representatives in community development projects only to be stooges (Bickerstaff & Walker, 2000). This conceptualisation of community participation by Amstein denotes community participation as a process that determines the agenda of community development.

Fox and Mayer (1995) offered a deeper conceptualisation of the term. According to these authors

Community participation is the involvement of citizens in a wide range of administrative policy making activities including the determination of levels of services, budget priorities and the acceptability of physical construction projects in order to orient government programmes towards the community needs, build public support and encourage a sense of cohesiveness within society (Fox and Mayer, 1995:20).

From this definition, community participation is the end in itself, in that it creates a sense of community cohesiveness. It also mirrors a sort of community participation that captures people's desires to get involved in development and improvement of their lives.

A slightly different conceptualisation of the concept has been offered by Midgley (1986). Midgley is of the view that institutional building is the major aspect in the promotion of community participation. In his own words Midgley postulates that "community participation denotes the creation of procedures for democratic decision making at local level and involvement of people in these procedures to the extent that they regard them as normal way of conducting affairs" (Midgley, 1986:29).

This definition denotes active participation in political decision making.

From all the above definitions of this term, it is becoming clear that community participation is centred on the idea of involvement of public in decision making about things that involve them. It is a prospect of citizens in a project to solve their own problems. To extend this understanding, Midgley (1986) called for a more appropriate and realistic notion of community participation that is based on a closer relationship between the civil society and the state.

2.9.3. Decentralisation of democracy

The phenomenon of giving locals the power to participate in the decision making and governance of their communities resonates with the notion of decentralisation of democracy. Mapuvana (2007) defines decentralisation of democracy as “the devolution of ‘decision making powers to the lowest levels of government authority...to promote democracy and participation, such that local people are directly involved in decisions and developments which affect them personally” (Mapuvana, 2007:10/11)

Heller (2001) links the notion of community participation and democratic centralisation by highlighting disenchantment with centralised and bureaucratic states across the political spectrum. This has incited a call for decentralisation of democracy which is seen as an ‘article of faith’ (meaning: the point of democracy is to give local people power, so that democracy can be strengthened and enjoyed by all). Heller goes on to say that the idea to strengthen and empower local government has been given weight on the following grounds of making local government more efficient and enhancing participation and participation. Decentralisation of democracy through giving power to local government is suitable for the South African context where local government has an obligation on paper to afford communities ‘community participation’. In that sense, decentralisation of democracy and community participation are two sides of the same coin.

2.9.4. Community participation in South Africa

The disintegration of apartheid in South Africa meant, for the previously disadvantaged groups who were deliberately segregated by the regime, the end of an authoritative regime that blatantly ignored the wishes and needs of the majority, in

the their own country of. During this era, "South Africans were passive citizens in their own country. They could not question the power of the state and, most importantly, they were recipients of governance, rather than participants" (Mathekga and Buccus, 2006:1).

The government of post-apartheid South Africa has committed itself to the wide-ranging participatory processes in the different spheres and institutions of governance in the country (Putu, 2006b). There is indeed a conspicuous attempt on paper by the government to introduce direct and participatory democracy at local government which is closer to people. The Constitution of South Africa (Act no.108 of 1996: Chapter 7) authorizes local government to afford communities a democratic and accountable local government and promote the participation of communities and community organisations in the matters of local government which concern them (Mogale, 2005). According to this understanding, community participation is no longer a privilege but a right that community organisations, civil societies and other relevant interest groups are offered by our constitution. As Houston et al (2001:206) put it, "the local government legislations made a provision for local authorities to establish a system of participatory democracy at the local level".

Community participation goes beyond merely being present when decisions are taken. It goes as far as meaningfully being part of decision takers about the destiny of one's own lives. Mathekga and Buccus argue that the new community participation objective should also be about community empowerment. If community participation is guaranteed via local governance, this could restore community pride to those communities who were denied this right by the previous regime (Mathekga and Buccus, 2006). In this argument, the issue of community participation carries with it psychological relief and restores a sense of self importance. As such, community participation is not simply a proposed tool for community development but also social development as it also relates to the issues of empowerment of the previously disempowered citizens.

Community participation is not without its problems. Campbell postulates that,

In South Africa, where the end of the apartheid-regime imposed a new approach to governance based on decentralization and involvement of the

entire population in public management at all levels. In most cases, the profusion of statutes complicates the implementation of decentralization and slows things down, causing substantial delays between approval of laws and their actual enforcement (delays of 10 years are common)"(Campbell, 2007:12).

The supporters of community participation do not take into account that community participation requires the willingness of officials and experts to relinquish their power to involve community members or local politicians who may not have skills required to participate in these projects, something that may be difficult for these officials and experts (Robinson, 2003).

Burki, Perry and Dillinger maintained that there are risks involved in decentralisation, namely there is no certainty that enhancing political autonomy for local governments leads to improvement in service delivery. The local government may be lacking in terms of technical capacity. It is also risky to expand government from central to local because that expansion means expansion of the public sector. Such public sector expansion may pose macroeconomic risks by increasing the chances of government vulnerability to financial deficits due to sudden increase in public spending that comes with increase public services (Burki et al, 1999).

2.9.5. Conclusion

Because community participation in decision making was not afforded to black, coloured and Indian South Africans, under apartheid, the post-1994 government has sought, through policies and legislation, to redress this particularly at municipal level. However, this has not resulted in the recognition of street committees as representative structures.

Community participation is itself, problematic. Some claim that community participation tends to cause unnecessary delays in service delivery. Others argue that community participation is a way of empowering the marginalised and restoring community pride. The following chapters will deal with the pros and cons of community participation.

Chapter Three

METHODOLOGY

3.1. Introduction

This chapter outlines the research design used in this study. It looks at, from whom, how and when the data was collected, and how analysed. The study uses a case study approach. This approach is very useful when used to study a phenomenon within its real life context (Merriam, 1998). It is relevant to this study because the study is closely scrutinising the role of street committees in a specific area.

3.2. Research design

This study used a qualitative research methodology. It sought to explore and try to understand people's beliefs, experiences, attitudes, behaviour and interactions (Hermanowicz, 2002). It generated a non-numerical data.

Data for this research was collected between 2007 and 2009 in a research project (WRC K5/1654) conducted by a UCT team of researchers and The Water Research Council (WRC). One of the aims of the (WRC K5/1654) project was to find a social intervention and design and installation of low-cost technologies that would lead to improved greywater management. To achieve those aims the project employed PAR (Participant Action Research method), where community members were assumed to be participants who would partake in developing solutions with the research team. Upon realisation that participation from community was passive; the study looked for existing structure in the community to assume the role of participants.

Fieldworkers sought out social organisations that existed in Waterworks in an effort to learn about their contributions to the development of their community, through active and visible participation in helping or influencing people in various ways to find solutions to daily social problems that they were facing particularly the ones that concern service delivery and development in the area. Interviews with people involved in religious structures like the churches and burial societies which are the dominant structures in Waterworks, revealed that these structures did not actively participate in social issues beyond their main cause, and there was no evidence found by researchers to suggest otherwise. This meant that street committees were

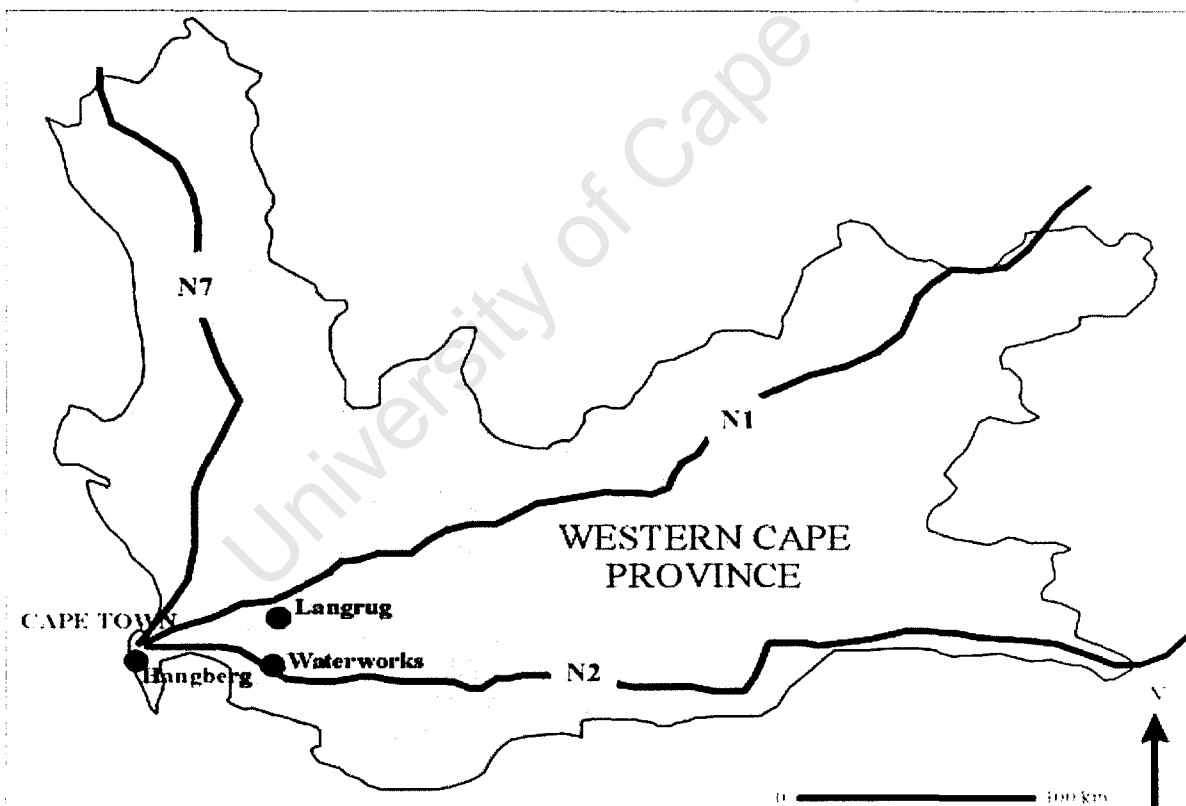
the only structure practically tackling the issues they were dealing with in the community.

3.3. Participants

The study participants were mainly street committee members and community members as well as some local officials. All participants were willing to cooperate and gave permission to record this information. While most of the participants were specially identified, there were some who simply volunteered their data and opinions to fieldworkers in the communities.

3.4. Study Area

Waterworks, Grabouw (Theewaterskloof Municipality)



3.5. Waterworks, Grabouw

Waterworks lies on a hill-side near the centre of Grabouw, a small town some 100km east of Cape Town. Grabouw services a deciduous fruit and pine forestry area. The settlement is situated alongside a small municipal water reservoir – hence its name.

It also lies adjacent to an area of middle income residential housing, separated from the settlement by a tarred urban road. Invasion of the land by migrants, mostly from the Eastern Province, commenced in the mid 1980s. There are now over 1000 shacks constructed from wood, plastics and corrugated iron as well as from other scrap materials – most prominently timber from old fruit-packing cases. Most of the adults amongst the settlement's approximately 3000 residents seek work seasonally on nearby farms, and unemployment and underemployment is a significant problem.

3.6. Street committees in Waterworks

An interview with the chairperson of the Waterworks street committee on 30 June, 2008 revealed that while the street committee started out as a body to control crime in the settlement, it soon moved on to controlling access to land. For example, newcomers to the settlement would approach the street committee for a site where they could build a home. In one case, a resident said that hopefuls could pay the street committee (or an individual on the street committee) R100 for a site. The chairperson of the street committees, one of the first residents to settle there, told researchers

The street committees came about because police shot and killed one gentleman, and then we had to formulate a committee that would open a case. The police commissioner said before they can even help us with the case we must formulate/elect a committee, which I was not part of. Then I got elected in the street committee in 1999 because people from various towns from Transkei were fighting each other. I then suggested that each town must have a representative in the committee, that representative must be a trusted person amongst the group, and he must then account when people from his town start violence and he's got the responsibility/obligation to mediate when his town group have any quarrels with other people and he should work with the other street committee members to try and resolve the issue (Zibonisile, chairperson of the street committee, 31/06/2008).

The street committee mandate has evolved with time. At the time of the data collection, street committees played the role of an informal judiciary, regulating social harmony and controlling access to job opportunities and land. This was confirmed by street committee members (Lydia and Thembisa, street committee members,

20/06/08). The street committee in Waterworks also represented residents' concerns to the municipality, and acted as a catalyst for mobilising protest against the municipality and the ward councillor. It organised a number of marches in protest of poor service delivery. It mediated decision-making amongst residents in the face of adversity. Accusations of nepotism and geographic non-representation were made by some residents and yet, when the street committee members were re-elected, the same people remained on the committee. A degree of apathy was communicated by some residents, who said that they did not attend such elections or get involved with street committee matters. The chairperson also referred to apathy amongst residents who would not get involved in decision-making, or carry out requests that the street committee made (01/07/08).

The street committee in Waterworks consisted of individuals who were elected by other residents by a show of hands, in general community meetings. The decision to allocate positions was left to those elected. There was a police officer who was responsible for Waterworks issues (police did not agree to an interview with us when fieldworkers approached them) who worked with the street committees from the same area. Existing social or government organisations aligned to Waterworks were studied in order to determine the extent to which the community itself was involved in finding and implementing solutions to daily social problems. These organisations included street committees, church groups and burial societies. Informal research revealed that it is the street committees who deal with problems around issues of governance, service delivery and development.

The street committee which were the principal participants in the study was composed of twelve people. These were four females and eight males. The chairperson was a male and the secretary was a female and these people were the only one who were allocated position and other were general members. There was also additional member, who was elected as ward committee member (Geographical representative of the area in the ward committee that was composed of ten people from Grabouw area). He had a status of an ex-officio member on those grounds and also because he could speak English (Thembisa, street committee members, 20/06/08).

3.7. Ethical considerations

Ethics are the moral principles that govern or influence the conduct of human beings. All the research undertaken as a part of this study was done so on an ethical basis. The fieldworkers themselves shared and discussed ethical issues with both colleagues and participants. No participants were coerced or lied to in the process of data collection and all participants were given a full understanding of what the study was about and how this information was going to be used. Those who did not agree were not subjected to any pressure, and those who agreed were not financially or otherwise compensated in an effort to persuade them to participate. Participation was absolutely voluntary.

3.8. Reflexivity

Researchers spent one month living in the Waterworks settlement and, in that time, their understanding of the way in which the community operated crystallised. Prior to that month, they had spent seven months moving in and out of the community. However, the data collected in that one month was a far deeper reflection of the attitudes, emotions, values and politics of the Waterworks community. As a researcher, this made me realise that it takes time to collect real data.

When I went back to check on the street committee on a day visit, I realise that society is in constant change. The street committee that had looked coherent had changed completely. That was also a learning experience for me. The field work and the writing of this work was a very profound learning experience for me, not only about the subject matter but also human behaviour in general. I also feel that it is important to mention that in as far as I come from a poor background in a village with no services at all; the conditions at Waterworks are appalling. There is a sewerage pipe that had broken a long time ago but reporting it to the municipality does not help. The living conditions in that area did not make me to look forward to going there to do my research.

Chapter Four

THE ROLE OF STREET COMMITTEES IN SERVICE DELIVERY

4.1. Introduction

Local government affects the lives of informal settlement dwellers in significant ways. It allows people in local communities a say on issues affecting them through elected representatives. Local government also encourages citizen participation particularly in the definition of problems or issues and policy making. Local government directly affects the lives of ordinary citizens because of the responsibility bestowed to it constitutionally to deliver goods and services to people (Khosa, 2002). This chapter explores the possibilities that exist for street committees playing a role in local governance in service delivery. Community involvement in decision-making, protests, capacity, accountability and effects of participation are the topics under which this role of Waterworks street committees shall be explored.

4.2. Community involvement in decision making

As mentioned above, street committees deal mostly with social ills like crime and daily squabbles and tensions in the community. When asked what the role of street committee was, community members in Waterworks generally responded that street committees' responsibility was to communicate or represent community issues to the municipality. This was a general response from both the street committees and the residents. This suggests that people wanted their voices to be heard, to be represented and to be part of the decision-making process.

Nonetheless, it seemed as if people's wishes and local authorities' attitudes towards hearing people's voices clashed. The councillor did not attend any meetings that the street committees tried to convene between him and residents. People were frustrated that their voices were not heard and mandated the street committee to call a meeting for the councillor to address people and engage them on issues. This was unsuccessful. Instead, the councillor told street committees that he was voted for by the whites and coloureds, thus he was not accountable to them (Mbuyiselo Gelem, community member, 17/06/08). The attitude by the councillor had negative implications on community participation, democracy and service delivery which are the cornerstones of improvement of the lives of the informal settlements dwellers,

according to (Khosa, 2002). It had negative implications in that it showed that the local councillor disregarded the constitutional provision for communities to participate in local governance. The South African Constitution upholds the right to meaningful participation in local governance and sees it as central to democracy (Putu, 2006a). In many parts of the world, planning is not reflective of the needs and values of poor communities. This is so because they are generally excluded from decision-making processes which invariably affect them. That often results in poor service delivery (Vaughan, Xaba & Associates, 2008).

Service delivery could be vastly improved if local government allowed for community participation in decision-making processes (Putu, 2006b). This requires that a platform of engagement be created. Staeheli argues that community participation in local communities requires the creation of spaces (metaphorical and material) for participation, where emphasis is placed on the abilities of locals to partake in and mould the policies that shape their daily lives (Staeheli, 1994). The street committee provided the councillor such a space when they asked to meet him to engage with them on issues. The street committee is a structure that carries a mandate from the community that the councillor ought to serve, irrespective of who they voted for and their skin colour. If the councillor is not prepared to listen to residents, they cannot participate in moulding and shaping the policies that are to govern them. This, in fact, is a direct contradiction of the constitutional requirement which states that local government should afford communities an opportunity to participate in governance. As Mbuyiselo (17/06/08) told fieldworkers that there were at least four attempts by the street committee to ask the councillor to come to the community to meet with people and discuss issues with them. This indicates also that people want to participate in the governance of their community, they want to be engaged on issues and have a say as well.

When we met the local officials, (the town manager, the mayor and the project manager) they all mentioned that there was a plan in place for the building of houses which would solve most of these services delivery problems such as sanitation and electricity. The mayor said that "it would be a waste of time now to make any further investments in the community in terms of facilities or infrastructure for service delivery since there is a plan to build new houses" (Engelbrecht, Grabouw mayor,

12/04/08/). There are problems embedded in this statement, such as the lack of involvement of local people from the beginning. The street committee did not know about the houses that were going to be built, and viewed the announcement with scepticism. The street committee members said that the municipality had a tendency to tell them that there is a plan in place for new houses that were going to be built, every time they demanded services (Chairperson, 30/06/08 and Secretary, 15/05/08). This means that the mayor did not involve people in the plan from the onset, hence they did not know about it.

Excluding people from participating in the governance of their community is reminiscent of apartheid-era governance (Putu, 2006a). The post-apartheid South African government has made participation of communities and civil society in governance its project for transformation and development (Staniland, 2008). As Monyemangene (1997) puts it, in local democracy and governance, participation is the key role of citizens. It is not only a right but also their responsibility, because citizen participation builds a better democracy. Democracy does not end at choosing leaders but includes playing a role in community development in various ways. The United Nations is of the view that community participation should be a practice not rhetoric (World Bank, 1995). Street committees are a very important tool for inclusion in local government's democratic governance processes and are perceived as such by township residents (Skuse & Cousins, 2007).

Another typical example of disregarding street committees in planning was demonstrated by the municipal project manager. The project manager said that he was going to call a public meeting and exhibit the new RDP housing plan to all stakeholders (Project manager, Grabouw municipality, 12/ 05/ 08). This did not make community members feel like they were participating in the process. Being shown an existing plan created a sense of suspicion that the 'new houses will be built' statement was just an excuse to deny people services. It also highlighted the fact that they were never consulted, never identified the problems and were certainly not part of the solution. Community participation should be described in terms of escalating meaningful inputs when it comes to decision-making processes, such that citizen power prevails in determining the end product (Bickerstaff & Walker, 2001) as

opposed to reducing citizens to voyeurs of the development that is going to happen in their own community and subsequently their lives. Indeed, as Swanepoel (1992) suggests, people should be involved from the word go in projects. Community participation is not relevant only when physical labour is needed but right there in the planning, discussion and decision-making processes.

4.3. Protests and service delivery

When the councillor did not make use of the space created by the street committee to engage with them, they sought alternative ways of forcing the local government to engage with them. The street committee organised a protest at the municipality to demand that the councillor (Democratic Alliance leader) come attend a public meeting and engage with the community about issues pertinent to them. These issues were service delivery issues (Zibonisile, chairperson of Street Committee, 30/06/08) and included the collection of rubbish, as well as the provision of electricity, sanitation, building material when houses burnt down and RDP houses (low cost housing for people who are poor, not working or who are earning less than R3500 per month).

The street committee sought to hold the municipality accountable to its promises. Street committees also initiated marches to the municipality. They would organise these protests and be responsible for answering to the municipality about any unlawful incidents that happened. In protest against lack of rubbish collection, residents dumped their rubbish in the municipal offices. It was found that the street committee had not sought permission in advance from the town manager (Zibonisile, chairperson of the street committee, 31/06/08) to hold a legal, peaceful march. This shows that, when it suited them, the officials did recognize the street committee as an existing structure representing people. For instance, the town manager (Anton Liebenberg, Grabouw town manager, 17/06/08) told fieldworkers that "it is difficult to get anything done without going via street committees, it just won't work". However, the point here is that street committees did organise protests when local officials did not keep their promises or when the councillor did not come to be answerable to the community. Residents' demands for service delivery were delivered by the street committees to the officials. If the officials did not respond appropriately, the street committees would go back and report back to people and then people would insist

on measures to be taken. In this scenario street committees created for themselves another platform of engagement with local officials when public engagement space could not be utilised.

South Africa has a long history of protest and people used protest as a way to express their dissatisfaction with officials (Seekings, 2000). Protesters try to directly or indirectly inconvenience the lives of those they believe should be delivering services to them (Seekings, 1998). Here in Waterworks, for instance, rubbish that was supposed to be collected was not and therefore residents led by street committees opted to take their rubbish to municipal offices. Protests and disgruntlement with local government cannot be assumed to be clear-cut responses to fiscal crises and underperformances in terms of material delivery because some protests, writes Seekings, “emphasized the need for residents to secure control over the decision-making process...”(1988). Thus protest against poor service delivery by communities may just represent a sign of a discontent of communities at the way services are rendered. Community participation in decision making would help people to understand the reasons why the services are slow or not delivered at all, because being part of decision making and planning would expose them to the procedures followed by government (Nemeroff, 2005).

4.4. Capacity issues

While street committees have much influence and are in touch with people in the community, (Liebenberg, Town Manager, 17/06/08), it is unclear whether or not they have the necessary skills to carry out the task of representing their communities in the true sense. Evidence seems to suggest that they do not. For instance, in an IDP (Integrated Development Plan, a plan for how the City will spend its money for the next five years), meeting where the ward counsellors, local officials, local government officials and researchers were present (31/01/08), some of the street committee members who were present were asleep. The street committee member who is also ward councillor member, whom we were told is preferred for such gatherings because of his education level (he is a matriculate), said that there are times where he feels left out in these meeting because of the level of engagement. “My education standard sometimes limits me in these meetings. They talk about millions and you end up not understanding” (Khaya street/ward committee member,

04/04/08). The level of literacy is also a major problem that impacts on community participation. If communities are represented by people who do not fully understand the language being spoken in local government, then it is unrealistic to expect them to participate fully in determining how much should be spent and where. "Participation requires knowledge of issues so that they can make a meaningful and mature contribution" (Putu, 2006a). This raises the issue of capacity, whether the elected representatives do have the necessary skills to carry their mandate.

Incapacity is not an issue that is peculiar to street committees. It also applies to local officials, as McEwan (2003), suggests. Adato et al (2005), in a study conducted on power, politics and performance of South Africa in community participation in public works program, learnt the street committees were not trained and thus lacked capacity. The problem of incapacity is sometimes used to exclude poor communities from participation in programs of government by both local and private government (Adato et al, 2005). If McEwan's assertion and Adato et al's findings are to be regarded as objective, then incapacity should not be used as a yardstick to determine who is eligible to participate in decision making and who is not since both local officials and community committee lack capacity. Rather, community leaders, civic societies and other structures representing communities should be inducted and trained properly about how local government works and their role in governance (Adato et al, 2005).

Mathekga and Buccus (2006) argue that putting emphasis on technical capacity level implies that as the cause of poor performance at local government as if capacity alone could guarantee optimal functioning. If we do this, they continue, we are "likely to undermine the importance and effects of substantive democracy and active citizenship as an important ingredients in a democratic setting" (Mathekga and Buccus, 2006). Capacity and its outcomes such as service delivery and should not be achieved at the expense of processes of community participation and deepening of democracy. If past imbalances are to be addressed, community participation is key (Mathekga and Buccus, 2006). the incapacity of local street committee cannot be used as grounds to exclude street committees from decision-making processes. It is essential that they are more than spectators when decisions about their own communities and own lives are taken.

4.5. Accountability in local government

Service delivery and accountability are related. The function of decentralization is to afford a space for communities to hold their government accountable for failure of basic service provision, maintenance of order and the fair resolutions of local issues. Because government is more likely to be responsive when it is closer to people, the constitution makes provisions such as community participation as a corner-stone to local government and service delivery (Tshabalala, 2006). An effective local democracy is a combination of representative and participatory democracy. While it is the prerogative of elected officials, particularly the councillor at local government level, to make ultimate decisions, citizens should be consulted as much as possible. If this consultation does not take place, the councillor should be deemed not accountable (Diamond, 2004). A former street committee member said that

On the street committee you can't answer because the municipality promises don't get fulfilled. In the street committee you are in a very difficult position. They have been trying to develop this place – it has been here for a very long time. Only other areas get developed because we are not represented. Whoever goes to higher positions is to enrich them, even black people. Some people get a chance to be with the municipality or as representatives. They enrich themselves and never come back to people and never come back to people. There are no journalists here, which go to other places and expose these things. If you [researchers] were journalists, he would report all of these things (Zibonele, 20/06/08).

The street committee seemed to be the only structure that acted as watchdogs of the local government although they did not have much power to force local authorities to be accountable to them. Protests did not yield required results. Empty promises were still made and rubbish was still not collected and officials did very little about that situation.

4.6. Effects of participation

While community participation is encouraged by the government (Putu, 2006b), there are also challenges involved in community participation. In a study conducted by Prins Esther in rural California, in community-based organisations that utilised community participation as an approach in planning and implementing projects, the results were not what they expected. Challenges like power relations and inequalities

complicated the efforts of practitioners in encouraging participation (Esther, 2005). Community participation is not an easy process.

There are some academics like James Midgley who are sceptical about the notion of community involvement. Midgley (1986) argues that community participation is an ideal clouded with lofty sentiments and ignorance of reality. He continues that achieving effective community participation is surrounded with numerous controversies that are heedlessly neglected by the pundits of the ideal. For instance, the literature on the subject does not deal satisfactorily with the role of state in community participation. Furthermore, Midgley postulates that expecting the underdeveloped worlds' local communities to solve their problems of poverty and deprivation entirely by themselves is naive and unsubstantiated. Midgley has a point. It is naive to think that the political elite, professionals and administrators would readily agree to relinquish of their authority to ordinary citizens (Midgley, 1986). However, street committees are by no means ordinary people. They are elected representatives who have a mandate to represent at local communities at local government level. The aim of community participation is not only to solve problems, as Midgley seems to suggest, but also building capacity and contributes to empowerment. Through participation, people increase their control over their lives and livelihoods (Vaughan, Xaba & Associates, 2008), and to develop a sense of shared responsibility for what happens in their community.

Plummer (2000) suggests that community participation is a learning process for everybody involved. Local authorities and community representatives can learn more if they are willing to learn from the process. Street committees did show willingness to learn from the researchers when an idea of an easy-to-use technology for wastewater management was shared with them. They offered suggestions and they were excited to see the experiment, although it did not work out well at the end. Involving community leaders in the decision-making processes would also might improve relations between local government and street committee. Plummer suggests that community participation helps the community representatives' to change, perceived_needs, if they are properly given knowledge of options. Thus, the demands made to local governments would be realistic because capacitated

representatives would know about the roles played by the various officials and are beyond their scope.

4.7. Conclusion

Service delivery was a problem in Waterworks and the local government kept making promises that they did not fulfil. This has led to street committees prompting protests and eventually giving up on the municipality. The municipality, with no community participation was promoted. However, there are conflicting views about community participation. Some suggest that community participation helps in building the community and is an end in its self. There are also those who are sceptical about the ideal of communication, warning that this ideal can also add problems rather than solve them. The officials' and the state role are highlighted as the issues that are not taken into cognizance by the community participation faithful. Study's findings merely supported this polarisation. Inasmuch as street committees are concerned, there is the potential for them to play a role in service delivery but they are not given a chance. While there are also issues of incapacity inherent in street committees that cannot be ignored they cannot be used as an excuse to exclude communities from shaping their destinies.

Chapter Five

THE ROLE OF STREET COMMITTEES IN FIGHTING CRIME AND MAINTAINING SOCIAL HARMONY

5.1. Introduction

Post-apartheid South Africa has been confronted with crime; so much so that crime has become prominent in discussion about consolidation of democracy. As a result, a decade after South Africa achieved democracy; crime was still the concern of many citizens and a priority for government (Louw, 2006). Safety and security were chief amongst the pillars of the National Growth and Development Strategy in 1996 (Department of Safety and Security, 1996). This has prompted policymakers to focus on safety and security issues as part of development efforts in South Africa. At local levels safety has been recognized as one of the issues that negatively impact the quality of life of the population (De Bruyn, 2002). Crime in South Africa does not only have an impact on directly affected individuals but also on the greater society. For instance, it is costly to respond to crime, people live in constant fear in their own society, and it is also costly to the victims who sometimes lose their valuable assets and loved ones (Louw, 2006). Crime is a burden to the society.

While the government has made some efforts to address this problem of crime by increasing the number of police, the perception that crime is a problem is still prevalent in society (Louw, 2006). Crime affects everybody, but those who live in informal settlements or squatter camps in South Africa are particularly affected. Ballard, in his study on perception on injuries learnt that most people associate crime with people who stay in informal settlements (Ballard, 2004), while there is also a view that informal settlements are affected mostly by crime in the context of urban citizens (Nina, 1993 & Louw, 1999). Even informal settlement dwellers themselves subscribe to the view that crime levels are high where they reside (Butchart et al; 2000). People do not feel safe in townships; the urban poor are the major victims of crime (Louw, 1999). Police alone can no longer deal with crime; communities need to be part of the solution. Community participation has been regarded as one of the key weapons that can be used to fight crime (Feenan, 2002). Informal settlement dwellers commonly used street committees as courts and they also play a role in community policing and social harmony.

There is growing evidence that in industrialised states, the state has increasingly been incapable of serving as the exclusive guarantors of safety of their populace. As a result, non-state forms of policing and maintaining law and ordering have taken a centre stage in meeting those needs (Prenzler & Sarre 1998; Prenzler 2000; Stenning 2000). The developing world is also following this trend, although they are facing some challenges because of the impact of colonial rule. Developing countries have inherited paternalistic and authoritarian state institutions. For an example the kind of policing that they have inherited is a paramilitary police agency. That, together with the fact that these developing countries tend to put more resources on military makes it difficult for state to ensure safety and security needs of its citizens are met (Scharf, 2002). This has lead to communities assuming the responsibility of safety and security needs in their communities through the use of informal approaches of policing and judiciary. In South African rural areas and urban poor townships, this informal approach has historically been used parallel to the state formal justice system (Burman & Scharf, 1990). However, it is crucial that at the outset it is mentioned that community policing has its own embedded dangers, for instance in cases like South African CPFs (Community Police Forums), Shauna Mottiar and Fiona White argue that a “fundamental problem is that community policing has been seen as an ‘add-on’ function to other police responsibilities – it has failed to be effectively internalised as police practice” (Mottiar & White, 2003:10).

This chapter considers the role that the Waterworks street committee plays in addressing issues of crime and social conflicts in the community. A brief history of informal courts in South Africa, apartheid policing and the emergence of non-state policing is outlined. The effort of fighting crime by the Waterworks street committee is examined. Community policing in Waterworks, particularly the role of the street committee, followed by the pros and cons of community policing are also extensively explored in the chapter.

5.2. History of informal courts in South Africa

Long before the colonisers landed in South Africa, indigenous people had their own laws which continued to operate parallel to the formal laws. These laws did not just vanish in the appearance of the new laws that came with the oppressor; they continued to operate but people resisted them. The old laws operated parallel to the

formal laws, which were and still are predominantly western laws (Burman & Scharf, 1990). These tribal courts would normally take place under certain trees or in kraals. The chiefs would have their own self appointed indunas (senior officials appointed by the king or chief) who would help them in these courts (Harrison, 1988). The western laws were not well received by local people because they were not what local people desired. The western laws were imposed and that affected the way indigenous people received these laws (Van Niekerk, 2001). When black people went to stay in the urban areas, they still used the form of government and laws that were operational in the rural areas where they came from. The authoritarian leaders emerged with the emergence of informal settlements and they assumed the role that the kings play in rural areas. But these authoritarian leaders were steadily replaced by elected representatives that became known as street committees. The indigenous laws and courts were operational in these informal settlements (Harrison, 1988).

The tradition of informal courts in South Africa is as old as the emergence of informal settlements. According to Jeremy Seeking, informal courts, which he termed "people's courts," emerged from the tradition of extra-state township courts in South Africa (Seekings, 1992). The street committees are playing the role of being informal courts normally referred to as Kangaroo courts or people's courts (often referred to as kangaroo or peoples' courts). These courts operate in parallel to the formal courts (Burman, 1990). Informal courts are said to be informal because they do not adhere religiously to the system of belief of western laws. The western components of the official South African legal order has been dubiously regarded as politically and institutionally superior to the informal courts that was practised in both poor black townships and also the rural areas (Van Niekerk, 2001). This combined with the fact that people did not desire the Western formal law has lead to poor people in poor informal settlements choosing to use the alternative justice systems rather than the formal one (Nina, 1993). The informal courts or the other law has been developed in South African townships by civil society through resistance during the oppressive apartheid regime. It was a micro level regulatory system that came about as a result of needs that were beyond the state capacity and control. It existed because the majority of people had their own set of beliefs and value system that were contrary to western beliefs on which the formal law was based (Nina & Scharf, 1992)

The street committees have assumed the role of judges and sometimes policing simultaneously in an effort to fight crime. The fact that these services are needed by the informal settlement communities cannot be disputed (Schärf, 1997). Even the Port Elizabeth high court judge had said that the street committees have a role to play in justice system (Plasket, 2004).

5.3. Post apartheid policing and the emergence of non-state policing

The relationship between the marginalised majority and the police in South Africa during apartheid was an oppressive one. This was due to obvious factors such as the role of police in protecting the apartheid regime, conflicts between marginalised groups and police during that era, and popular memories of brutal and racist policing (Von Schnitzler et al, 2001). The kinds of crime South Africa faced during the apartheid and post-apartheid eras are different. During apartheid there were predominantly violent political crimes but during the transition the dominant crimes were crimes such as robbery and other crimes that are common in poverty-stricken communities such as robbery (Singh, 2008). This has led to obvious changes in the challenges that police had to face. Bearing in mind that the police were trained to protect the few; the challenge of policing for every citizen was enormous (Baker, 2002), and included under-resourcing of police and under-policing in townships (Singh, 2008). Transition was never easy for both the police and the society that the police had to administer. With the transition in South Africa and the 'sunset-clause' (a negotiated political agreement between ANC and National Party during negotiations in South Africa, that meant that the state institutions would remain the same) the old police force has remained structurally largely intact. This has negatively affected the trust between local communities and police policing (Von Schnitzler et al, 2001). The noticeable lack of accountability in police during the post-apartheid era has exacerbated the lack of trust in the police (Baker, 2002). However the need for policing continued to exist with crime rate in townships increasing (Mccall, 1995). This has led to a rise in non-state policing in South Africa. Non-state policing is broad; it covers anything from informal and formal vigilante groups, semi-official guards and community patrols and commercial security firms. According to Baker:

Non-state policing is ingrained in every community of South Africa. It is ubiquitous to the point that few challenge its legitimacy, even if they criticise some of its practices. There are few in South Africa who would

insist that the state be given a monopoly of all policing functions and that non-state policing should be proscribed, with its units disbanded and/or absorbed into police reserves (Baker, 2002:46).

The idea of community policing first appeared in the 1993 interim constitution which gave a directive to parliament that it must move for the establishment of community police forums to assist police. The purpose of community policing was to promote community participation, accountability of police, monitor efficiency and effectiveness of police and to encourage community co-operation with police (Pelser, Schnetler & Louw, 2002). From here it is clear that community participation is a promising option to consider when looking for strategies to combat crime and improve policing in new South Africa.

Community policing operates in different ways in different communities. Affluent neighbourhoods tend to employ private security guards while poor communities opt or favour the cheaper option like neighbourhood watch and street committees (Ngcokoto, 1997). Street committees in townships have always assumed the role of policing crimes and preserving peace and social harmony in communities (Burman, & Schärf, 1990).

5.4. The Efforts of Waterworks street committee in fighting crime

The street committee in Waterworks acted as crime fighters. Crime fighting featured prominently in the agendas of a number of community meetings offered by fieldworkers in Waterworks. Crime (predominantly theft), gangsterism, surveying activities in Waterworks and the municipality's promise of toilet provision were the main topics of discussion in this particular meeting. Residents were concerned about their homes being marked by surveyors, fearing their removal. They expressed concern over the lack of communication on the part of the municipality about these activities, and resolved to paint over the surveyors markings. But a lot of time was spent discussing measures of fighting crimes and improving security and safety in Waterworks community. That is the indication that community safety is one of the main concerns of the community and is taken seriously. The agenda of a community meeting called by the street committees held on 01/07/08 is as follows:

General meeting in Waterworks 2008 -07-01

Meetings are opened with a prayer.

Agenda of the meeting was as follows

- Control of noise pollution and alcoholism
- Thuggery
- Toilets that the municipality promised
- Thieves that were caught who stay in Beverley Hills
- The surveyor who paints houses without any consent from people

In terms of crime, issues discussed at meeting the included the following: the developments on the thieves from Beverley Hills (a neighbouring community just above Waterworks, which is predominantly a coloured community). It was also a platform for the street committee to listen to residents' suggestions as to how to deal with thieves caught red-handed. Residents also deliberated extensively on the effects of shebeens on incidents of crime. The meeting was an indication of the residents and their elected representatives (the street committee) work together. The meeting provided residents with a platform to express their feelings and participate in the process combating crime. While there were no agreements as to how shebeens should be controlled, one thing that nobody in the meeting disputed was that crime was becoming a greater factor during weekends and that the community needed to act on that. This is an indication that the community together with their elected representatives which is the street committee take crime as a critical issue of concern in their community. This also indicates that street committee invites residents to participate in the combating of crime by giving them a platform to express how they feel the crime issues should be dealt with in the community. This involvement of residents in maintenance of order agrees with Anne-Marie Singh's postulation that in African customary practise social order is a community's responsibility (Singh, 2008).

When crime was discussed, the chairperson said that criminals from Beverley Hills had been identified. Residents then proposed that such criminals should be beaten or even killed. This act is unconstitutional, criminal and illegal (Feenan, 2002). One

street committee member asked who would take responsibility for meting out such punishment. It appeared that while death was the preferred punishment for criminals, nobody was willing to take this responsibility, for fear of creating internecine conflicts. Of all the issues discussed on the day, crime was top of the list with a lot more participation by residents. Street committees in Waterworks, as in other black townships in South Africa, tend to play the role of policing crimes in their communities (Burman, & Schärf, 1990) and (Oldfield, 2000).

The street committee in Waterworks had also forged a working relation with the other street committees from neighbouring settlements to boost their efforts to fight crime. This is yet another indication that the street committees are committed in reducing crime in their community, taking that as their responsibility. Whether they were succeeding or not is beyond the scope of our research, what matters is that there is a structure that seems eager to tackle the crime challenge that confronted the community. This also tells us that community participation in combating crime is something that already exists in Waterworks because the street committee created a platform of engagement with the community regarding issues of crime in this meeting. There were other ways that the street committee in Waterworks tried to combat crime, maintaining social harmony and order. One of the ways was through the informal judicial system.

5.5. Street committees as informal courts in Waterworks

The street committee sought to smooth over social conflict and facilitate harmony between neighbours and in families (Lydia, street committee member, 20/06/08). This is a role that local government does not have a structure or mandate to play. It is an important role and helps reduce the workload of both the police and the courts should do. It also helps relieve the burden on overcrowded jails as these informal courts resolve issues before someone goes to jail (Oldfield, 2000).

Case Study: street committee meeting

On the 24th of June 2008 the fieldworkers sat in a street committee meeting which took place every Tuesday every week, where residents bring forth their problems for the street committee to resolve. The problems that the street committee dealt with on that day were:

- The first case was about a lady who was owed money. She took the law in her hands by taking a radio and a blanket from the person owing her. She was then told by street committee to take back those things she took and her problem would be attended to on the following Thursday where both the complainant and the accused would be presented.
- The second case dealt with a man who abused his family. The street committee told the abuser that should such a report brought again, he would either be asked to leave the place or take her wife back to the eastern cape and was also told to come with his family (meaning relatives from his paternal lineage clan) not the 'young boys' (meaning younger man) he normally calls when other people want to intervene.
- The third case was about a man who borrowed shoes from someone and did not bring them back. He was asked to bring R150 the following Saturday to the street committee as a repayment. Which he promised to do.
- The last case was about four young gentlemen probably in their late twenties, who stabbed another man and paralysed him and they had to pay R1500. However not all of them attended so the case was postponed, with a warning that if they do not attend their shacks will be destroyed and material sold for the injured man to get his money.

All these cases above could have been taken to the police but street committees were the preferred choice by the community members. The proponents of the informal justice or 'the other law', as it is known, put forward an argument that the other law is people's preference. One of the arguments is that the other law opens the door for everybody. Through the other law, a community is able to define how it wishes to solve its conflicts in a manner that suits them, within its geographical area (Nina, 1993). Formal law has its procedures that are not always understood by the uneducated person (Feenan, 2002). The imposed formal law imposed moral codes that are foreign to the indigenous people and is generally inaccessible and expensive (Seeking, 1992). Informal law is understandable and accessible to everyone. This argument emanates from the postulation that the formal law is not accessible to everybody (Nina, 1993). In this context accessibility means that they may go to this formal law but not understand its procedure. It would be very difficult

to assume that the need for justice for someone has been met fully in a satisfying manner if that individual does not even understand the processes and procedure that was used to serve him/her.

The other reason why the informal system is preferred is that informal justice generally involves a very high degree of public participation (Stevens, 2000). The system of informal justice in South Africa involves community participation in its nature. It is community participation in nature in that it involves a process of collective participation of elected representatives, whose task, amongst other things, is to solve community conflicts and thwart crime in their communities (Nina, 1993). The situation under which this informal law operates is conducive for community participation. According to Stevens (2000), the general guiding objective of the informal justice system in Africa and in South African townships is the social harmonisation and restoration of peace within the community by making sure that the offended and the offender are reconciled. This is possible in the informal courts because a conflict between two members of a community is regarded as a problem which troubles the whole community, directly or indirectly. The old lady who had tried with his neighbours to intervene in family squabbles at Msimang's family before the case was taken to the street committee, in case number two above, shows that problems in someone's family are also problems that neighbours are also concerned with, which concurs with Stevens' argument. Thus, to restore real harmony, there must be general satisfaction among the community at large, as well as the disputants, with the procedure and the outcome of the case (Stevens, 2000).

The fact that the people utilised the Waterworks street committee as an informal court is an indication that: in this community, the street committee is a respected or trusted court or people are somehow coerced or threatened to force them to participate. It may very well mean that people go to these courts because the formal legal system is not accessible and is expensive for people. Whatever the case may be, the supporters of the informal courts believe that people go to these structures because they trust them. For instance, Nina suggests that people accept the decisions of organs or structures such as street committees because they approve of this system (Nina, 1993). This argument, however, does not take into account that there are also social pressures and sometimes people are forced to accept the

decisions or participate (Ngcokoto, 1997). Looking for instance at case number four, where four gentlemen who stabbed another did not all come to the meeting, although those who came did indicate that the one who did not come was still at work, they were told that if on Thursday they did not attend their house material would be sold. This shows that sometimes people are forced to comply or adhere to the court's decisions. Thus it would be very difficult to concur with Nina's argument that suggests that people accept the decisions of these organs or structure and participate in the processes looking at the evidence from Waterworks. However Stevens argues that public consensus is, moreover, necessary to ensure enforcement of the decision through social pressure (Stevens, 2000). That means that if people from a certain community agree that members should be coerced in some way, to force them to comply with the rules of the informal courts, such an agreement is necessary. It would be very difficult for the informal courts to have any respect from the transgressors if they did not force people to adhere through agreed threats by the community. Certainly there must be mechanisms put in place for transgressors to adhere to and respect the laws for the community to maintain order.

But also street committees or kangaroo courts play another role in the informal settlements. The objectives of the kangaroo courts are the promotion of peace and harmony in the community, rehabilitation of the offender and the offended, the reconciliation of the all parties, the reparation of the aggrieved (Burman, & Schärf, 1990). The fact that the street committee decided to call the family of gentlemen Msimang in the case number two above shows that the street committee courts sought harmony using corrective rather than punitive measures that are generally used in courts of laws.

Residents come to the committee if, for instance, they have been insulting each other or if they have been fighting. More serious issues, like a stabbing, for instance, get taken to the police by the street committee. Fighting and alcohol (shebeens) are the main issues in the settlement, because the shebeens are open all night and residents have trouble sleeping. People kill each other in the shebeens, and this is not good for the community" (Lydia, street committee member, 20/06/08)

This statement suggests that the street committee is there to correct behaviour that could possibly lead to disunity in the settlements, as their role is to harmonise the community. They are also looking at some of the possible obstructions to social harmony.

To think that these informal courts are without problems of their own would be naive. The informal system is popular because it allows greater flexibility in the general application of customary norms and solutions based on compromise can be achieved. As a result, similar cases may be treated in different ways and with different outcomes. This means that there is no consistency in the way that the law is applied in these kangaroo courts. This is anathema to the concept of justice which requires equality before the law based on due process including legal assurance or certainty. The verdict issued from a compromise may not be fair in that it may reflect the unequal bargaining strengths of the parties. Although there are checks and balances particularly when it comes to public participation, already existing social attitudes may in fact reinforce inequalities on the basis of status, gender, or age (Stevens, 2000). Looking at Msimang's case above, case number two, part of the verdict in that case was that Msimang and his wife must call their family members (men) specifically to come and mediate between Msimang and his wife.

The Mnsimang case above is a classical example of a patriarchal decision. This decision is gendered in that the family members who must be called were specifically 'men'. This shows that indeed the court may entrench and perpetuate already existing inequalities in society. In cases like this of Msimang, the street committees' gendered approach may actually be promoting less report on domestic cases because the female might feel that it is her against a group of men. Also the fact that these women would be alone in a meeting with males means that the male transgressor might have an upper hand on the case because he is also talking to other male counterparts who might understand him better, while there is no one to understand the situation of the victim but herself. No one amongst the males would have ever experienced what she just experienced, so she might not be understood in the same way as if there were those present who had experienced abuse before. This does not suggest that males do not get abused but that their experiences might

not be the same. These courts thus might actually be yet another institution that exists to maintain patriarchal ideologies and injustice.

The other criticism against the informal courts is that the modus-operandi may take a rather bullying approach where the accused may not be given a chance to give his/her side of the story. In his study of the street community courts procedures in Alexander, a Johannesburg township, Van Niekerk learnt that

[Their] procedure became persecutorial and disintegrated into a process of harsh interrogation where parties were not given any or sufficient opportunity to state their case. The community did not subject itself to their jurisdiction voluntarily but out of fear. Community support declined and people started taking their grievances to the state structures again. [These] new people's courts, also now called 'kangaroo courts', were set up by youths who acted without the mandate of the community (Van Niekerk, 1998:88)

Thus street committee courts have their own flaws but so do the formal courts.

The state at this juncture cannot provide the number of courts needed and the required resources (Schärf, 1997). Street committee court has become a viable alternative to help both the system and the public that needs such services.

A simple domestic squabble between husband and wife will bring together a small group of immediate neighbours, who, acting in an advisory capacity, will initially seek to reduce the level of violence and will then attempt to resolve the actual dispute through mediation alone. If they do not succeed, or if a more complex issue is at stake, there is justification for calling in the larger participation of community members (Saltman, 1979: 318).

The real contribution of the informal law is that it challenges the monopoly of the state in defining order for society. Because of the way the state justice system conducted itself in the past, the interaction between the state and the informal justice system, has given space for a self-reliant peace and order phenomenon to emerge in local communities (Nina, 1993).

5.6. Waterworks community policing

In terms of efficacy, one of the primary functions of police in the social order is to control crime. Traditionally, this is achieved through the criminal justice system in three ways. The most popular way is done by means of utilisation of the institution of

jail sentences. Another way is the application of deterrence and the third is the rehabilitation of past offenders. However, believers in community policing argue that social order is maintained chiefly by informal social processes within the community and not by police activity. It is on these grounds that they maintain that utilisation of community resources and citizen participation should be encouraged (Mottiar & White, 2003). In most informal settlements in South Africa, community policing is achieved through patrol groups or mobilisation of civil organisation or other structures within community (Skogan, 1994)

In Waterworks, there is no organised community structure of policing. However, the community members do assume the role of community police if for example they see someone stealing something from someone. The street committee seems also to encourage this kind of policing, although it does not mean that the residents are then policing their communities themselves. It is, however, unclear whether or not punitive measures against offenders taken by the Waterworks street committee yielded positive results. However a study conducted in Alexander Township in Johannesburg where a similar structure existed in the community, revealed the following:

- Community policing helps reduce the crime rate but it also reduces the fear of crime.
- Full community participation is not guaranteed because of fear of retaliation by the crime perpetrators, given that citizen participation is voluntary.
- Police involvement is uncertain. It was not easy for rigid police bureaucracy to welcome participation of the untrained personnel (Mottiar & White, 2003).

5.7. Pros and Cons of community police

One of the limitations mentioned above by Mottiar and White is the issue of possible retaliation. This was also evident in Waterworks. Although it was agreed in the general meeting of the 01/07/2008 that thieves should be killed, the question of who would actually carry out these sentences was not too easy to answer. No resident wanted to volunteer. This is an indication that as much as people may agree on something that should be done, but when it comes to the actual practice of doing it, they may not do it. This is clearly one of the concerns which is raised about community policing because of its voluntary nature, citizen participation cannot be guaranteed (Mottiar & White, 2003).

There are some who argue that community policing needs collaboration between the community structures and police for its success (Mottiat & White, 2003; Sarre, 2004). It is argued that if police were to open themselves to community input, they will become far more responsive to, and knowledgeable about, the varying concerns of the communities they serve (Skogan, 1994). The point raised here about police openness to community involvement in their duty might be something that is easier said than done. There seems to be little discussion in the literature about potential or existing inconveniences for police or by police in relating to community policing (Singh, 2008). One of the few to take that challenge head on by discussing potential problems in detail is Gordon (cited by Saltman, 1979). Gordon raises the point that in a holistic context, if the state is also involved in the process of community policing, far greater discretion and too much active participation in decision making to the constables (lowest level or ranking in police organisation in South Africa) who already have significant autonomy because of the nature of their work. He argues that police managers would be threatened by this increase in the constable's autonomy of thought and that will make create a fear of losing control of their personnel (Saltman, 1979).

One of the arguments made in favour of the involvement of street committees in community policing is that the street committees will not usurp or appropriate official police authority and powers. Street committees do not see themselves as police or their activities or policing. Rather they view the issue of maintaining order within communities as a community function; where each member has a role to play. Any threat to this kind of community order would be dealt with accordingly by the structures within the community. Research that Sophie Oldfield conducted in Delft revealed that while there was a common cross racial and cross political party concern to for crime prevention, Xhosa speaking people tended to go to the street committees or CPT representatives while coloureds would go straight to the police (Oldfield, 2000). Singh's argument that there is a common customary practice for blacks is simplistic. Blacks who live in townships might not share or practising the same customary practice as those who stay in farms, or rural areas.

It is important to note that while the opulent neighbourhoods, (predominantly white) have private security, poor townships, (predominantly black), have nothing (Baker,

2002), except for the under-resourced police who have not been able to live up to expectations when it comes to fighting crime in South Africa (Singh, 2008). The only resource they have in these poorer communities is social capital. Belonging to a community or a group is a means to gain safety. Security is a public good, obtainable to all people within a given political community on account simply of their membership to community (Loader, 1997). Crime therefore should be conceptualised as a social issue rather than the responsibility of police or government alone (Feenan, 2002). The policing of crime by community members in Waterworks should be understood from this context.

Case study: community policing by street committee in Zwide, Port Elizabeth

Let us look at the one of the consequences of the community policing by examining a case study of Zwide, informal settlement outside Port Elizabeth, Eastern Cape as offered by (Plasket, 2004). A young boy was assaulted, and his mother reported the case to the street committee. After listening to the description of the transgressor, the street committee called four men. One of them was identified by the street committee as the assailant. Four gentlemen were asked to come and sit in the street committee meeting amongst the street committee males for identification parade. The accuser and his friend identified the same men as the street committee, who had made an effort to go where the misdemeanour occurred to ask for the description of the assailant. After the parade the accused assailant was taken by the police who were also invited in the informal parade. This is a direct transgression of the criminal act 15 of 1977 which states that an identification parade can be done only by police following correct procedure. There were also many transgressions of the law in the informal parade. This led to the case dismissed. The judge told the street committees that because of the uncalled-for usurpation of police work, because police did not drag their feet or act in a manner suggesting that they would not help them, the case was set aside because the state could not prove beyond doubt that all the constitutional procedures required for identification of parade were followed. Although the judge did conclude that in future street committees must work closely with the police and use their political influence to make the police accountable and they could certainly make a valuable contribution by providing information to the police for proper investigation (Plasket, 2004). This case is a classic example of how a potentially winnable case could be lost because of the

usurpation of police work by the street committee. The street committees do not always follow constitutionally correct measures when going about the business of maintaining order in their communities.

The view held by Micheal Brogden and Clifford Shearing consolidates the ostensibly polarised views on community policing. In their meta-analysis of the post-apartheid period in South African history, they came with a proposition of what they term the 'dual model' of policing. In this model social ordering is based fundamentally in local communities and secondarily in the state (Sarre, 2004). This proposal is consolidatory in that it gives the community power to solve its own problems while it is not disempowering police or stripping police of their power to do their job. Rather, it gives the police officers a boost in that it gives them an option to have a structure that will work with them. Shearing goes even further to postulate that once policing is perceived not as an entity of police alone, that other institutions can partake in policing that would create new possibilities to transform police. This model is likely to be suitable for South Africa. It is suitable because governance has not been the singular preserve of the state policing from since the days of apartheid. The struggle against apartheid has given rise to an enormous network of popular or community policing by the street committee or other civil organisation or NGOS. That however does not mean that these structures do not have challenges embedded in them. These institutions or structures mentioned above provide a starting point for radically reforming policing. These structures could be mobilised easily to speedily bring about alteration because they already exist. What is required is to just identify them (Sarre, 2004).

It is common practice in neo-liberal states for the state to encourage the informal law, and community and private ordering as long they fully adhere to the state set framework and do not seek to contradict it. However, two that may happen should the state wish to control the other law: subversion against the state or convergence with it (Nani & Scharf, 1992). Sarre (2004) suggests that contemporary states are going through a change in the nature of government and are increasingly more and more reliant upon nongovernmental bodies such as civil organisations and community groups to perform public functions such as community policing and judiciary processes as is the case in Waterworks. It is essential that if this route is

taken by state, the regulatory action be more creative and more broadly based so as to draw more effectively upon the strengths of the regulated as well as the regulator. That means thus that for services such as community safety, social harmony and maintenance of order to be efficient, the police would have to regulate it in such a way that the strengths of the street committees in providing such services are optimised while getting rid of their weaknesses.

5.8. Conclusion

Street committees provide an alternative to the formal justice system. The study in Waterworks has showed that as much as the street committee do enhance the service of social harmony and crime fighting, there are also some embedded limitations to that kind of justice system. Street committee justice may perpetuate social inequalities and there are also undesirable consequences of the unlawful actions that they sometimes take in their pursuit of social order. Some writers such as Micheal Brogdden and Clifford Shearing suggest that there should be collaboration between the formal justice system and the informal justice (Sare, 2004). If the street committees were to work with police, although that might have its own problems as Gordon (1984) suggests, there is a possibility that crime levels would be reduced in informal settlements. Looking at the street committee case study in Waterworks, it is clear that this structure has certain influence. Residents make use of this structure to sort out social squabbles for them to sort out something that may be difficult to do in formal law. This shows that there is a need for the Waterworks community to solve its own problem in a manner that is understandable, desirable, familiar and accessible to them. It also indicates that community participation in the delivery of judicial and police services are possible and necessary. However, as necessary and essential as any given program might be, there are bound to be drawbacks that hinder the very objective it intends to achieve. There are negatives and positive in the other law provided by the street committee, but it seems as though the service that they offer far supersedes the dangers that are concomitant to the service.

Chapter Six

DYNAMICS AND POLITICS IN AND OF WATERWORKS STREET COMMITTEE

6.1. Introduction

In this chapter, the politics of the street committee of Waterworks, the perception of the public about this structure, and the relationship between this structure, the local government officials, and the governing political party (the ANC) is examined. The role of the street committee in these relationships needs to be understood in the context of civil society. To fully understand the politics of street committee vis-à-vis the state and polity, it is paramount to understand the street committee as located with and forming part of civil society, and thus to use the notion of civil society as a 'lens' through which to read the politics of the street committee.

There are many definitions of civil society; however Edwards' definition is illuminating:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organizations such as registered charities, development non-governmental organizations, community groups, women's organizations, faith-based organizations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups (Edwards 2004: 6).

Civil society is eminent for its role as a site of citizen participation in politics, enabling the creation of social trust and basis for collective action (Teets, 2008). It is thus essential that this chapter looks at the potential or lack, of the street committee in Waterworks as a site of citizen participation in politics particularly. Thus looking at residents' perceptions and the internal politics of this structure is a study of Waterworks' politics, and the role that street committee plays in them and how it

negotiates the space of polity while representing the community and addressing their needs.

6.2. Community perceptions of the street committees

There were antagonistic views about the street committees in terms of it doing a proper job as required by the community. Most participants said that the street committees were trying their best but were let down by the local officials (a group of residents who were basking in the sun, 18/01/08 and 20/06/08). There were others like the Mama Sangoma, traditional healer, who echoed negative sentiments on street committees. She said

The street committee gets mandates to seek employees, like rubbish collectors. They should be seeking people who are unable to work elsewhere due to illness. But at voting time and elections for the street committee, a speaker visits all the areas to seek votes. But people living around here don't vote anymore because nothing gets done here. The street committee always hires the same people, unlike in Emqandi where vacancies get announced to all people. People then queue and the first five are hired. Here you only find out after people have been hired that there were vacancies. The cleaners only clean up to street committee member Zibonele's house [the chairperson of the street committee] (Sangoma, 23/06/08).

The fieldworkers learnt that people who were rubbish collectors were residing in the same area as street committee members as stated by some residents. Even a former street committee member Zibonisele also allude that the jobs offered by the municipality through the street committee are for the relatives or neighbours of certain street committee members particularly the chairperson of the committee. One of the street committee members Xoliswa also accused the chairperson of the committee of nepotism, which she said it is something that no street committee member wants to openly discuss fearing for their lives.

Accusations of nepotism and geographic non-representation were made by some residents. Indeed all the people who were working as rubbish collectors were residing in the vicinity next to the chairperson of the street committee where most street committee members reside. One of the workers was staying at the chairperson's house but the fieldworkers could not ascertain if she was her daughter

or not. This indicates that there may be some patronage and nepotism existing in this committee. In the field of policy studies there has been a lot of discussion on the relationship between decentralisation and corruption. Most have argued that there is a positive relationship between decentralisation and corruption. However there is growing evidence that, in fact, decentralisation reduced levels of corruption (Gurgur & Shah, 2005).

At the very least, there is evidence of corruption in the Waterworks street committee in the form of nepotism. Trivial as this evidence may sound; one should not forget that this committee has yet to deal with big budgets (where it would be easy to scrutinize issues of corruption). One of the ex-street committee members who resigned from the street committee cited nepotism in terms of hiring people for the collection of papers as one of the reasons for leaving the committee. Accusations of any form of corruption can destroy organisations and structures of governance (Osborne, 2004). For the Waterworks street committee it is therefore essential that they are not embroiled in any corrupt activities in order to rightfully earn the trust and credibility of their constituency. Such issues of nepotism were also found to be an issue in the street committee in a similar study done in Namaqualand (Robins, 1993). This tendency to give jobs to cronies and family members also opens up a gap for tribalism particularly in diverse community which could then create tensions in the community (Varshney, 2001).

6.3. Internal politics of street committees

The researchers were surprised on a return visit to Waterworks on the 27 May, 2009 to learn that the street committee was no longer intact. Three of the street committee members they met up with claimed this was because some members had joined COPE (Congress of the People, a political party that was formed by break away ANC members towards the end of 2008).

This division in the street committee has contributed to the lack of trust of the committee by the community. It is evident to everybody that we do not see eye to eye and even people now do not trust us as before even the number of cases that we deal with have gone down because people are no longer taking their problems to us (Thembisa, secretary of the street committee in Waterworks, 24/05/09).

All three street committee members echoed the fact that the street committee was dysfunctional and no longer even met with the municipality because some members had joined COPE. This indicates that the street committee members cannot tolerate political indifference amongst themselves. Larry Diamond argues that civil society serves democracy best when it is intact, where individuals are afforded opportunities to participate in associations of their choice and multiple networks at multiple levels of society. Diamond points out that the more diverse the civil society, in terms of associations of the members of the civil society, the more likely that they will develop specialised agendas and bring different perspectives of how to sort their problems. This will also help the members not to be swallowed by one all-encompassing political or any other organisational framework or ideology (Diamond, 2004). The case above clearly indicates that the street committee in Waterworks is not democratic because people from different political organisations cannot co-exist in it. This is problematic for a structure that is representing a diverse community.

This also raises another question about the administrative rationality of the Waterworks street committee. If the committee is fighting battles of macro-politics, when are they going to address pertinent issues facing their settlement? Most participants in this study told researchers that, it is the street committees' role (see chapter 5.2 above) to represent them and focus on community concerns. If the street committee is embroiled in the internal battles, it opens up questions of long term thinking and the objectives of the street committee. In her study of specific roles that community-based organizations and residents play in the delivery of housing, Oldfield learnt that after accomplishing a particular mission like obtaining houses that they were fighting for, the street committee become 'white elephants' (Oldfield, 2002). This reflects a lack of long term vision from the side of street committees.

6.4. Street committee's relationship with local officials

Public perception on the performance of local government generally in South Africa is rather negative according to a study done by HSRC in 2000. The reason behind this perceived sluggishness in performance of local government was that transformation takes time. Factors as lack of funds, capacity, resources and skills contribute enormously to slow delivery and improvement of services by the local

officials which in turn has resulted in public not seeing major changes (Khosa, 2002). This perception was held by the Waterworks street committee members. A degree of disillusionment and mistrust towards the municipality was expressed by members, who told fieldworkers that with this municipality, "one would get nowhere". The relationship between the street committee and the local official did not seem conducive to development in the settlement. The councillor was said to have told residents that he was not voted for by Waterworks residents but by whites and people from coloured areas so he was only accountable to them (see chapter 4.2 above). There were also reports of clashes between the street committee and the police. To be effective, civil society must be strong and uncompromising in defence of general public's interest, irrespective of whether those come from 'salient social cleavages' or just an ordinary personal taste. Foley and Edwards (1996) suggest that, amongst the proponents of civil society there are two centres of gravity with regards to civil society's relationship with the state. On one hand, there are those who argue that the civil society must play a role of counterweight to the state. In this version of argument it is argued that in the context of democracy like [ours] where progressive political parties were intentionally repressed while the oppressive ideology held by another party was used as means for an authoritarian state ends, independency of civil society from conventional politics is a necessity. In such states it is argued that the autonomy civil society is treated as sphere where community can pressurise authoritarians for emancipation, democratize from below and protect the citizens from tyranny (Foley & Edwards, 1996). This is particularly relevant to African countries, where in most countries it is trendy for the so-called 'liberation movements' to use the state resources to cling on to power and become tyrannies as well (Bratton, 1994).

On the other hand, other civil society proponents argue that the efficiency of civil society depends solely on the state, so these two should always co-exist. Michael Walzer postulates that the role of organised groups in community or civil society depends crucially on the larger political setting. Walzer maintains that there is no escape from coercion and power, there is really no possibility for choosing civil society alone. The strength of civil society depends very much on the strength and responsiveness of the state. "What Walzer calls the 'paradox of the civil society argument' is that a democratic civil society seems to require a strong a democratic

state, and a strong civil society seems to require a strong and responsive state' as suggest Foley & Edwards (1996:48). As much as the state should not co-opt the civil society for the survival of the civil society, it should collaborate with it for the benefit of poor, as this approach has been proved as the reason for successful community participation in China (Teets, 2008). the common denominator is that, the civil society (or street committees in our case) should maintain its autonomy from the state. But in Waterworks the relationship between the state or local government has reached a state where civil society is both suspicious of and disillusioned about the state. so much so that they believe "If you want to do anything for this community you should not work with the municipality" (Street committee members, 24/06/2006). Both (Liebenberg, Grabouw Town Manager , 19/10/2007 and Engelbrecht, Grabouw Town Mayor, 29 /8/2007), suggested that there is nothing that one can do in the Waterworks community without working with the street committee. This disintegrating relationship between the local officials and the committee hinders service delivery.

6.5. Relationship between the street committees and the ANC

To understand any polity, it is essential to first look at the political arrangements that ground it, and to the effects that such arrangements have on social forces and civics (Foley & Edwards, 1996). A polity approach, it is argued, offers a stronger analytic basis for understanding both the dynamics of participation by organised groups like street committees that represent the poor and the sorts of factors and dynamics that shape that participation. Participatory institutions are fundamentally political products, the rules of which are negotiated by political players with diverse capacities (Lavalle, Acharya & Houtzager, 2005). Looking at the Waterworks street committee and the committee members' association with the political party ANC, within the context of the poor and bearing in mind the lack of resources of the structure, we learnt that the street committee sometimes used its connection with, and in, the ANC as a resource. We were informed that when the counsellor heeded a call from people when houses burnt down and people losing their lives, the street committee contacted the ANC MP Koleka Mnqulwani. She arranged that the bodies would be taken to a mortuary and paid for the costs to get them to the Eastern Cape. Two street committee members went to the funeral. She provided R6000 worth of vouchers for the funeral preparations and R900 PEP vouchers for the children and

family left behind (Zibonele, chairperson of the committee, 30/06/08). This shows that the committee used their relationship with the ANC sometimes to benefit the poor they represent and to compensate for the resources they lack and counter the hostile treatment they receive from the authorities who are supposed to help them with such resources. This also raises the question as to whether the association of relation between the street committee and the ANC would not compromise the street committee autonomy and whether they would be able to challenge a future ANC led local government?

The relationship with the ANC was also used to protect the community. When the protesters from a committee protest for service delivery were arrested by local police the street committee called upon the Overberg area ANC regional chairperson to intervene (Zibonele, chairperson of the street committee, 30/06/2008). Friedman suggested that most civics are ANC-aligned and that may well be a means for the ANC for extending hegemony outside a future state into that area of voluntary association. This tendency carries with it dangers of co-option and entanglement in webs of patronage (Friedman, 1995). Furthermore, as Glaser postulates, a lively civil society will need a more diverse array of associations than only ANC that it currently under its rubric. By aligning its self with the ANC, it ignores the essential diversity and non-purposive nature of civil society, with a whole array of potentially adverse results of such relationship. Also it takes too lightly the potential value for both democratic and independent civil society with its mechanisms of communal action and binding decision-making, accountable and elected leaders directly by citizens (Glaser, 1997).

The civil society approach in global development advocates that the most efficient voice of the underprivileged communities in policy making comes from civil society organizations that are autonomous of state agencies and political parties. However it emerged in São Paulo, that the most progressive and active representatives of the underprivileged communities are those who are allied civil society or political structures. This was found to be true across different participatory institutions. This suggests that the most active representatives of poor communities are those well-connected to state agencies, conventional political actors and political parties (Lavalle et al, 2005). This allegiance between civil society and political party and

state agencies did not automatically result to a 'cooption syndrome', as perhaps believed by some (Mayekiso, 1992). Rather such a civil society is more likely than poorly connected counterpart to organise protests and make demands to the state through multiple channels. This connection suggests a need rather than an opposition of a 'polity centred' approach to grasp issues of representation and participation (Lavalley et al, 2005).

6.6. Conclusion

The state relations with the street committee in Waterworks are sour. The state relations with street committee should always be one that gives the street committee a room to manoeuvre in local politics. Working together the street committee and the state (local government) without the co-option of the other, would benefit the poor.

There are benefits to the street committees' alignment with the ANC but equally, there is also the danger in such a relationship of the street committee becoming merely an extension of the ANC. The street committee is approaching its extinction because of party alignment. It is too early to determine whether the national political climate has crippled the street committee permanently or whether they will recover, but the possibility exists that this could be a learning curve for them. However the relationship of street committees with political organisation/s needs further research. Another issue that would need to be investigated is the administrative rationality of the street committee.

Lastly, most people believe that the street committee in Waterworks is carrying its task well however there are those who believe the street committee's tendencies to give work only with their own relatives and immediate neighbours discredit their ability to fully represent the community. The street committee is voluntary; they are not financially or otherwise compensated, the impact of that should be interrogated in further research and also the possibility of the street members being remunerated.

Chapter Seven

7.1. CONCLUSION

This study tackled the impact and the role of street committee in service delivery, maintenance of order and the politics of street committees in Waterworks community. In so doing, the study grappled with the issues of capacity, character and responsibilities of street committee in Waterworks and developed an analysis of the role of street committees in the governance of informal settlements.

For delivery of services and good local governance, a strong local government and equally strong civil society is required. The two must co-exist, the local government to be accountable and civil society to be a watch dog. The legislative framework does not give a clear obligation to the local governance about the role that the street committees should play in service delivery. However, it is very clear in mandating the local government to encourage community involvement in decision making. Thus the local government should create favourable setting for street committees to be able to participate in decision-making processes.

At the end of the day, public participation (and the participation of the poor) are not normative questions but democratic rights. These rights need to be enforceable regardless of the values and attitudes of either the public or those who seek to champion them. To argue otherwise is to risk a situation in which the right of participation becomes contingent on certain values and attitudes (Brown, 1998:149).

In order for the local governments to exonerate themselves from the unpleasant protest by the fuming public about lack service delivery it should encourage community participation.

In the literature there are obviously conflicting views about the notion of community participation. There is an un-avoidable question raised in the literature that community participation supporters do not take into consideration the lack of technical skills to execute effectively the task. The study revealed that there was a problem of illiteracy in the Waterworks street committee. It cannot be argued that, the-know how, is not important in community participation because development is

crucial. But skills are imparted, and transferable. If officials are really concerned about lack of skills they should impart those skills. As Mathegka and Buccus argue that community participation is about empowering the poor communities so they can eventually be self reliant (Mathegka & Buccus, 2006). There is no evidence to suggest that the street committees are either inducted or trained to handle certain tasks of service delivery. Thus, it would not be fair to claim that community participation is ideal solely on the grounds that there is shortage of skills in the side of community representatives. In the context of poor communities, the literature suggests that community participation is not only the means but also an end in itself. For the sake of empowering these communities, it is paramount for the local government to encourage participation particularly considering South African history of exclusion.

Despite the good intentions of the street committee to bring social coherence and ordering in their communities, there are embedded challenges and obstacles such as elements of patriarchy in their courts. The street committee has a role to play in governance; the role however should be defined by the skills (meaning their ability to do the job) and the need (the need in the society for such a service). The street committee in Waterworks provided services such as a system of justice. Literature points out that there is inadequacy in the state in providing these services efficiently. It is on these grounds that public assumes a social responsibility to act against crime (Schärf, 1997). Collaboration between the informal law and formal law is an option to take in the effort to address the problem of crime in local communities is suggested in the literature (Sarre, 2004). This means that the street committees are another option or alternative for government to consider in addressing crime, which should be valued highly from a voluntary structure.

The association of the street committee with a particular political party has proven to be disastrous in Waterworks. Literature seems to point out that street committees should be autonomous so that they can assume the role of being watchdogs to government. The bad relation that exists between the street committee in Waterworks and the councillor because the councillor does not honour any invitation by the street committee to talk to the people or see their living conditions, contributed to the street committee looking for help somewhere else. That makes the street

committee vulnerable to becoming an extension of the ANC. In addition, the relations of the street committee with the ANC contribute to squabbles within the committee itself. While the street committee is applauded by many in Waterworks and the perceptions about it are positive, those who issued complaints such as nepotism were found to be correct to a certain degree. Thus, the street committees are not beyond reproach, and that has a potential to weaken any structure of governance as pointed out by literature.

Despite their flaws, street committees play an important role in the governance of informal settlement particularly considering the debilitating state of resources in the informal settlements in which they operate. The challenge is on municipal officials to partake openly in this process of community participation. There is a chance that such problems as crime and delayed or poor service delivery could be resolved or at least be a challenge of the whole society, as it is, these challenges are taken to be government challenges. The problem is that at this juncture there is no explicit policy directing the formation of street committees so they become inane bodies, they are largely ignored. If they could become a statutory body it would make a difference, e.g. like a governing body of a school made of parents and educators. Street committee are the closest to the people and people are familiar with them, it would be a missed opportunity not to make use of them in the quest the tackle challenges that poor communities are faced with.

7.2. Limitations

There were a number of limitations encountered during the execution of this study, a major one being that it does not represent the perspective of some of crucial players in governance of the settlement, such as the councillor. The local councillor was often ill during the times that researchers conducted the research. Even when he was not ill, the councillor always had an excuse not to meet with researchers. Had he participated, the stories about the unsavoury relations between him and the street committee would not have been heavily one-sided. The same also applies to the police who refused to talk to the researchers. For a qualitative study like this one, it would have assisted the study a great deal to know exactly the issues that people bring to the police. There appeared to be elements of suspicion on the part of some key participants particularly those working in Grabouw municipality.

Another limitation is that while we conducted the research there were some expectations from the community that the project would yield results such as helping them deal with their waste water, which is a limitation of having conducted one study in conjunction with another.

7.3. Suggestions for further research

Due to the scope of this particular research and the diverse nature of street committees, this study could not possible explore all the issue pertaining to street committees. However the researcher identified certain questions for further research. These would either be in terms of conducting studies of must broader scope or narrow down to one aspect. Informed by the data collected, here are possible research topics:

- Explore the causes of tensions between the street committees and the local officials
- Investigate the effects of voluntary participation in street committee (members)
- Impact that induction may have on elected street committee members
- The role that power relations may play between the local officials and street committee members in service delivery and other issues
- The role that women, youth and disabled people play in activities of street committees

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