SOCIAL ACCOUNTABILITY CAPACITY BUILDING FOR LOCAL CSOs IN RURAL MUNICIPALITIES TO STRENGTHEN LOCAL GOVERNANCE

THE CASE OF ALFRED NZO DISTRICT MUNICIPALITY

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LOCAL GOVERNMENT PROGRAMME

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Acronyms and Abbreviations

AGSA	Auditor General South Africa
IDP	Integrated Development Plan
IBP	International Budget Partnership
MFMA	Local Government Municipal Finance Management Act
MLFA	Mbizana Local Football Association
MPAC	Municipal Public Accounts Committees
OZA	Oxfam South Africa
PAIA	Promotion of Access to Information Act
PR	Proportional Representation
PARI	Public Affairs Research Institute
SAFA	South African Football Association
SALGA	South African Local Government Association
SDBIP	Service Delivery Budget Implementation Plan
SLA	Service Level Agreement

Contents

ABSTRACT

The research provides an insight into the way in which social accountability capacity-building activities were implemented by Oxfam South Africa in three rural local municipalities at the Alfred Nzo District Municipality, with the objective of promoting and enabling rural-based informal community-based organisations to use social accountability strategies to hold local government accountable for the non-delivery of services. Using participatory research methods, this research provides an insider-outsider account into the strategies that assisted informal civil society organisations to demand accountability from the municipality. It also demonstrates the difficulties in applying methods of bringing duty bearers and civil society together in an attempt to bridge tensions between the state and society in participatory governance 'invented' spaces. While it is assumed that social accountability initiatives should remain politically neutral and civil society organisations as 'non-state' actors are best positioned to advance such initiatives due to their insulation from patronage politics, in reality, informal civil society organisations pursuing social accountability mechanisms end up being caught in a web of clientelistic relations. This is largely due to the influence of strong partisan local elite structures that civil society members are connected to.

The case of the Mphuthumi Mafumbatha Stadium social audit, presented in this research, offers a compelling insight into the multifaceted struggle that informal civil society grapples with in disentangling itself from local politics when attempting to implement social accountability in rural communities. Informal local civil society organisations located in rural municipalities are mostly vulnerable to the prevalence of patronage practices that have been embedded into the political and socioeconomic life of poorer communities, who are mostly dependent on the spoils systems to survive. Therefore, this research illustrates how the effectiveness of social accountability initiatives can be impacted by local patronage structures of the local state, whereby the drive to exercise social accountability is undermined by political networks of patronage and clientelism. Instead of carrying out independent inquiries into the performance public officials' and contractors, there is a likelihood of having some of their members being subordinated to engage in clientelistic exchange to protect the public officials and contractors, while having to negotiate strategies that can help them to hold local government institutions to account and resist 'capture' from the local political elite.

CHAPTER 1
Introduction

Civil society organisations in post-apartheid South Africa enjoy constitutional freedom to exercise scrutiny over the state by demanding accountability and transparency on how state institutions distribute resources in the delivery of public goods and services. However, civil society's ability to use formal mechanisms to demand accountability at local government level has remained weak, particularly in rural and peri-urban municipalities. Local government participatory processes and structures are important spaces where local civil society and social movements can play a critical role in pressuring local government to fulfil their constitutional developmental mandate to deliver basic services such as water, sanitation, electricity, refuse collection, roads, infrastructure and economic development,[1] irrespective of the fiscal and administrative capabilities of municipal institutions. South Africa has a progressive legislative framework: the White Paper on Local Government (1998),[2] the Local Government Municipal Systems Act 32 of 2000 [3] and the Local Government Municipal Structures Act 117 of 1998 provide communities and civil society a state platform for participation in 'invited' spaces such as ward committees,[4] budgeting and planning process, including performance reviews, to foster a coherent relationship between the state and society. However, communities remain excluded from participating effectively and meaningfully in these processes. According to Kerstin (2013) in Mubangazi (2022: 20):

> *While in South Africa IDP sessions comprise formal spaces of community involvement and participation, it is now clear that, beyond IDPs as formally invited spaces, people have invented their own channels to express their interest using invented spaces in the form of protests Service delivery protests, as they have come to be known in South Africa, suggest a growing involvement of communities in service delivery matters beyond the IDPs, which are merely a planning tool. These new forms of demonstration include civil society protests, flash mobs, and citizen information systems organised by civil society groups, protesting or in favour of specific policies. Overall, and in the context of South Africa's local government, the protests indicate that space ought to be created for a dialogue on understanding state-society relations, cultural factors, and market dynamics in specific local government contexts.[5]*

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1   Chapter 7, Section 196 of the South African Constitution outlines the development objectives of local government.

2   White Paper on Local Government (1998: 53) states that the 'promotion of local democracy should be seen as a central role for any municipal government where the local sphere is an arena for people to participate in decision making to shape their own living environments, and exercise and extend their democratic (social, economic and political) rights.'

3   Chapter 4 of the Municipal Systems Act is applicable to the social audit concept and provides that municipalities develop a culture and mechanisms for community participation.

4   Chapter 4 of the Municipal Structures Act (1998) requires municipalities to establish ward committees to promote participation.

5   Mubangazi, B. (2022) 'The Interplay between Civil Society and Local Government in South Africa: Conflict and Collaboration in the Delivery of Public Services'. African Journal of Development Studies 2: 39–58.

Ward committees, meant to serve as an interface between the council and communities, have been either riddled with partisan politics or are unable to establish healthy working relationships with communities and civil society. They have also been unable to establish formal mechanisms that can facilitate access to information in accordance with the Promotion of Access to Information Act 2 of 2000 (PAIA) — information that is required to monitor council decision making, and hold the executive and its administration accountable for non-delivery of services. The current partisan political system, which has become increasingly adverse towards public accountability, does not allow for effective checks and balances of public representatives. Due to institutional capacity constraints, limited powers to enforce legal sanctions and political interference, accountability structures such as the Municipal Public Accounts Committees (MPAC) experience institutional limitations in executing their internal accountability and oversight responsibilities over the executive. Emphasis only on conventional financial audits (institutional compliances with financial management legislation) leaves little room to integrate the performance-based audits needed for external accountability.

In the past decade, local government institutions have been mired in an exponential increase in corruption and maladministration, stemming from weak financial management, inadequate institutional governance and oversight, and poor administrative capacity. The Local Government Municipal Finance Management Act (MFMA) audit outcomes from 2014/15 – 2020/21 demonstrates the regressive accountability and governance nature of municipalities in South Africa. As stated by AGSA:

> *The audit outcomes were in a bad state when the previous administration took over in 2016-17 and this state has not improved since then. Some municipalities improved their audit outcomes, just to regress again in later years. Overall, only 61 municipalities now have a better audit outcome than in 2016–17, with 56 now having a worse audit outcome. (AGSA, 2022: 8).*

In 2018, the Department of Cooperative Governance reported that 87 municipalities were dysfunctional, with 11 municipalities under administration in accordance with section 139 of the South African Constitution.[6]

Most striking from these reports is that most of these municipalities are rural and peri-urban local and district municipalities. Communities in rural and peri-urban municipalities remain helpless as they are unable to put systematic pressure on their municipalities to turn their institutional performance around, *vis-a-vis* the quality of services delivered. Instead, we have observed a proliferation of 'invented' participatory spaces (civil society), working in parallel with participatory 'invited' spaces (government) because of dysfunctional ward committee systems.[7]

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6   See https://www.cogta.gov.za/index.php/2018/05/23/list-of-dysfunctional-and-distressed-municipalities/. There was a slight improvement between 2019 and 2021, which left 64 municipalities classified as dysfunctional and 23 municipalities under administration in 2021.

7   Miraftab (2004) defines 'Invited' spaces are defined as the spaces occupied by grassroot organisations and their allied non-governmental organisations that are legitimised by donors and government interventions. 'Invented' spaces are those, also occupied by the grassroots and claimed by their collective action, but directly confronting the authorities and the status quo.

Additionally, through popular protests, communities are able to demand external accountability from their councillors and members of the council executive for the non-delivery of services. This has been viewed by communities as the only tenable resort to demand answers from their local government representatives regarding the bureaucracy's failures to deliver services. Consequently, service delivery protests have come to articulate communities' encounters with local government poor service delivery. This demonstrates that the municipalities' envisioned Integrated Development Plans (IDPs), including infrastructure projects and budget allocations outlined in the Service Delivery Budget Implementation Plans (SDBIPs) — that are supposedly accounted for in the annual reports of municipalities and compliance with financial management regulations through the auditor general financial audit outcomes — remain statements of intent. In other words, while some municipalities are able produce plausible unqualified and clean financial audits,[8] these reports do not reflect the actual lived experiences and improved quality of services delivered by municipalities. This also resonates with the observations made over time by the Auditor General South Africa (AGSA) in their recent MFMA audit report:

> *Sadly, this is not the lived reality of most citizens in the country. Local government is characterised by accountability and service delivery failures, poor governance, weak institutional capacity, and instability. (AGSA, 2021: 1)[9]*

Yet there are numerous under-explored mechanisms through which communities can reach out to local government to flag service-delivery-related problems in their communities, using formal and informal strategies of social accountability beyond the municipal audit reports. Social accountability is one way. Developing countries such as India, Kenya and Ghana have played leading roles in the global South to develop and expand social accountability initiatives for urban and rural communities, which reinforce participatory governance and external accountability, and contribute to curbing corruption. In India, Meghalaya state went further by legislating social audits through the Meghalaya Community Participation and Public Services Social Audit Act in April 2017. This legislated social audits across 21 schemes and 11 departments, and the Meghalaya government decided to pilot social audits in a campaign mode to unpack the modalities that would have to be institutionalised across the state for meeting the mandate of the legislation.[10]

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8 See the consolidated general report on local government audit outcomes (2021:p5), in the language of financial auditing, clean audits must be understood from a premise of when a municipality receives a clean audit opinion, it means that its financial statements and performance report give a transparent and credible account of its finances and its performance against the targets that had been set. However, the AGSA also acknowledges that a clean audit is not always an indicator of good service delivery and does not always correlate directly to the lived experience of all the communities in a municipal area.

9 https://www.agsa.co.za/Portals/0/Reports/MFMA/2020-21/FINAL_MFMA%202020-21%20GR_15%20 June_2022%20tabling.pdf?ver=2022-06-15-095648-55.

10 https://www.thehindu.com/opinion/op-ed/the-meghalaya-example/article23953492.ece

While there is a growing civil society agitation enforcing outcome-based performance auditing processes in South Africa, the evidence of expansion of external social accountability activism in rural municipalities remains scanty. Oxfam South Africa (OZA) and the Public Affairs Research Institute (PARI), which are part of Social Justice Coalition network, embarked on a collaborative participatory action research, in partnership with the Auditor General South Africa (AGSA). This participatory research sought to explore the effectiveness of social audit capacity building for rural-based civil society in strengthening activism and accountability in rural municipalities. OZA is an international non-governmental organisation whose long presence in South Africa dates to the late 1950s, supporting poverty relief initiatives in urban and rural communities. It later expanded its programmes and partnerships with other civil society organisations working in the social and economic justice sector cross the country, continuing to provide support to rural communities.[11]

PARI, on the other hand, is a Johannesburg-based research institute that generates academic and applied research. It seeks to better understand the drivers of institutional performance with the objective of using empirical research to shape policy change and provide realistic solutions to improve the performance of state institutions in delivering public goods and services.[12]

PARI's Local Government programme has a sturdy public presence in the local governance discourse in academic, civil society and state institutional spaces. OZA comparably, through its Democracy and Governance programme, has a well cultivated network and advanced capacity-building activities with rural-based civil society organisations in rural municipalities such as the Alfred Nzo District Municipality (Eastern Cape Province) and Collins Chabane District Municipality (Limpopo Province). The common interest for each organisation was to leverage on their research and capacity-building capabilities to generate the knowledge and lessons-learned needed to better understand the complex process of building the capacity for rural-based civil society organisations required for the effective implementation of social accountability.

The two organisations established a twelve-month pilot-project partnership agreement, where PARI would be an *observer participant*[13] in the implementation of OZA's social accountability capacity initiatives in the Alfred Nzo District Municipality. This municipality is located on the northeastern side of the Eastern Cape Province and stretches down from the Drakensberg Mountains, bordering Lesotho in the north, Sisonke District Municipality in the east and O.R. Tambo District Municipality in the south. The district's surface area has increased due to the incorporation of Winnie Madikizela Mandela and Ntabankulu Local Municipalities, from 6,858km² to 11,119km², and is now subdivided into four local municipalities: Matatiele, covering 4,352km² (39 per cent of the district area),

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11   https://www.oxfam.org.za/who-we-are/

12   https://pari.org.za/about/

13   Observation generally refers to when an evaluator observes project activities in action. Observation allows the evaluator to see what is happening in the project. In contrast, participant observation refers to when evaluator participates while he or she observes, talking with stakeholders and participating in project activities. As a participant, the evaluator gains a more in-depth understanding of project activities and stakeholder perceptions, while also making contributions in the process implementation.

Umzimvubu — 2,506km² (23 per cent of the district area), Winnie Madikizela Mandela — 2,806km² (25 per cent of the district area) and Ntabankulu occupying 1,455km² (13 per cent of the district area).[14]

Most of these municipalities are predominantly rural and register high unemployment numbers, with a record of 74 per cent of the population living below the poverty line.
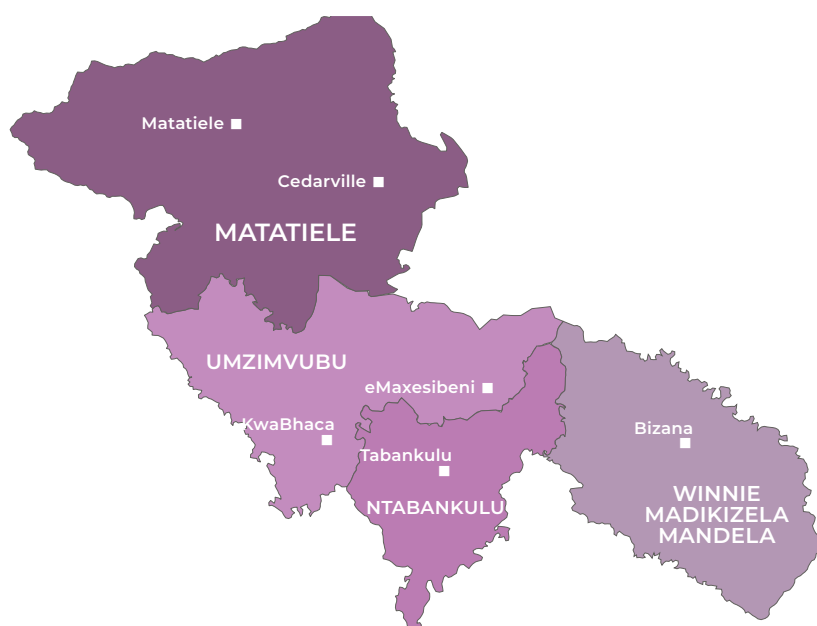
Source: Google Maps

The partnership between OZA and PARI was extended to AGSA as an independent observer, with the aim of exploring how to leverage community social accountability information through financial auditing processes. This pilot project was primarily funded by OZA in collaboration with PARI. AGSA retained its independent observer status through ongoing dialogues without receiving any funding from any of the parties. This research provides an insight into the implementation of OZA's capacity building initiatives to strengthen local civil society organisations' capacity — these sought to ensure they can effectively implement social accountability mechanisms to hold local government accountable on municipal infrastructure and service delivery promises. The main objective of the research was to explore the extent to which building the capacity of rural-based local communities and civil society organisations can assist in empowering their knowledge and capability to hold local government accountable. The research case study will provide primary data collected through participatory observation on the implementation of the social accountability capacity-building initiatives implemented by OZA for rural-based civil society organisations.

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14   http://www.andm.gov.za/?page_id=5

1.1   Methodology

According to Bernard and Graylee (2011), participant observation gives us a unique understanding of a project community, as you get an intuitive understanding about the way in which an intervention is being implemented from participating in it.[15] This includes having an insider perspective or obtaining a backstage position in seeing a project during its implementation; observing the value derived by beneficiaries, who the recipients of the project are, and the impact on the community. As a participant observer, I mainly used observation notes taken during the implementation of the social accountability capacity-building activities that were rolled out to local community activists and social audit committees by OZA in Matatiele and Winnie Madikizela Mandela Local Municipalities. OZA conducted four workshops: 'Introduction to Holding Local Government Accountable' and 'Public Access to Information Act workshops' in Alfred Nzo District Municipality (1 Ntabankulu, 2 Matatiele, 3 Winnie Madikizela Mandela Municipality). This included observing processes adopted by OZA to provide support to local activists in establishing their social audit committees, training social audit committees on local government legislation, structures, systems and processes in preparation for undertaking social audits in their respective municipalities. During my notetaking, I also recorded direct quotations during the training engagements between participants which might be critical to my subsequent analysis. I participated in the workshops as resource person when certain communities needed clarity on certain issues concerning local government structures and legislation. After the workshops, I had debriefing sessions with OZA and their training implementation partner from Afesis-Corplan, to reflect on the observatory encounters with the participants.

Following the training workshop, I used my notes to make a descriptive assessment of the workshop setting, the participants' overall understanding, and level of engagement with the training material. We also reflected on the methodology of bridging the gap between duty bearers and local civil society organisations that was being tested by bringing community-based organisations and councillors into a single workshop training — to understand why this relationship is mostly characterised by hostility and tensions or, conversely, the cooperation that arose in the course of the training. We also assessed the relevance of the subject matter contained in the training material. Judging from the local government issues that emanated from participants in framing their social audit issues, we were able to observe local civil society and their encounters with municipal institutions, as well as the conflict and local political dynamics between the social audit committee and community that arose in framing the agenda for pursuing social accountability. This provided depth to my observations. Lastly, in the lessons learned, I reflected on the tripartite relationship/partnership between OZA, PARI and AGSA in the pilot project. The next chapter will discuss the literature review that framed the conceptual understanding of social accountability and state-society relations from a local government perspective.

15   Bernard, R.S and C.C. Graylee (2011) Handbook of Methods in Cultural Anthropology. Rowman and Littlefield: New York, N.Y.

CHAPTER 2:
Literature Review

2.1 State-society relations

Since the late 1980s to the early 1990s, democratic change has gone hand-in-hand with a more active interest in civil society as an agent of socioeconomic and political change, although its contribution is greatly contested in South Africa.[16] As described by Greenstain (2003: 4), civil society in the minimal sense has been regarded as a sector operating in the private domain, and thus is not part of the public sphere.[17]

Here, civil society is seen to be complementing state power (the weaker sense) or providing an alternative to it (the stronger sense). However, this minimalist view does little to help us disentangle the complex relations between the state and society from 'below', where the relationship between the state, civil society and communities' waxes and wanes in the realm of local politics. In South Africa, civil society has undergone an evolution from being part of the anti-apartheid movements working against oppressive state power, towards cohesively working with the post-apartheid government during the transitional period to build a democratic state. The consolidation of post-apartheid democratic state institutions also happened in parallel with the rise in grand corruption, state capture and institutional practices that sought to undermine South Africa's constitutional democracy and good governance. Once again, civil society had to reposition itself and resume a rigorous oversight role in demanding accountability and transparency, and to litigate against executive members of government in defence of the country's constitutional democracy. These prominent shifts in the roles of civil society have allowed us to further interrogate our assumptions about civil society as a 'non-state' actor, operating outside the parameters of the state.

Indeed, civil society does not exist in isolation from the state. Civil society's associational life is a function of the state. Its social incoherence, economic decline, involvement in local politics, linkages with the political elite and state institutions, and contestation over local territorial authority, are a mirror image of the state.[18]

Where state institutions have failed to deliver public goods and services to marginalised communities, communities deal with this only not by embracing formal civil society, but also by developing strategies that generate alternative community-driven socioeconomic responses through informal civic social movements and community organisation parallel to state institutions. This in turn contributes to the constant evolution of civil society.

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16   Fowler, A. (1993) 'Non-governmental organisations as agents of democratization: an African perspective'. *Journal of International Development* 5(3): 325–39

17   Greenstain, R. (2003) 'State, Civil Society and the Reconfiguration of Power in Post-apartheid South Africa', Report published by the Centre for Civil Society at the University of Natal.

18   Fatton, R. (1995) 'Africa in the age of democratization: the civic limitations of civil society'. *African Studies Review* 38(2): 67-99.

Greater political pluralism has enabled a shift away from the view that civil society can replace the state because it is insulated from local politics or that it is irrelevant to wider political processes. The mere fact that 'invented' spaces and mass protests have become central to constructing informal structures for grassroots community participation and action concerning poor service delivery and socioeconomic deprivation,[19] demonstrates how informal civic formation has come to reshape the rules of political engagement with local government institutions. Much like state actors, civil society as non-state actors, whether formal or informal, play a significant role in reshaping local politics and governance practices, which can support or undermine the demand for accountability, depending on the interests and the political linkages of those involved with the local elite. In the light of high unemployment and clamour for access to resources in South Africa, local communities who participate in civic movement spaces normally tap into the multiple linkages and political networks that run vertically and horizontally, which becomes crucial in enabling their access to resources and sustenance of their livelihoods.

Drawing on Hossain's (1997) work, 'Political dimensions of sustainable livelihoods adaptation in Sub-Saharan Africa', it is important to emphasise that socially deprived communities do respond by building up informal political and economic mechanisms to adapt where state institutions show signs of failure and engage in exclusionary practices.[20] Hossain provides an interesting conceptual analysis to understand how informal civil society is often viewed as an arena of intra-community inequality, where socioeconomic institutions are referred to only indirectly, as sources of conflict and objects of change. From the premise of the distinction between informal and formal civil society, this framework shows the relationship between these two and the state, in terms of three overlapping domains of institutional control.

According to figure 1, the closer civil society is to the state, the more formalised it becomes. Civil society is informal where it overlaps with community but not the state. Where the state and community overlap, it is usually via the participation of local elites. Participation between community, civil society and the state occurs when the three domains overlap, in the centre of the diagram. As the shaded areas on the diagram show, local elites and members of formal and informal civil society exert mutual influence over neighbouring domains of institutional control. These 'socially included communities' have access to and influence over the state, formal and informal civil society and/or community. This includes: members of ruling political elites; economically powerful actors; members of dominant ethnic groups; civil servants; active members of formal civil society; and sometimes locally powerful traditional leaders. Those members of the community who are included in neither elite nor informal civil society are often part of 'socially excluded communities'. They include: the poor; members of marginalised groups; frequently women, irrespective of their ethnic, social or economic status.

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19 Miraftab, F. (2004) 'Invited and Invented Spaces of Participation: Neoliberal Citizenship and Feminists' Expanded Notion of Politics. Wagadu 1. [Online] http://sites.cortland.edu/wagadu/wp-content/uploads/sites/3/2014/02/miraftab.pdf [Accessed 5 February 2023].

20 Hossain, N. and S. Davis (1997) 'Livelihood adaptation, public action and civil society: A review of literature'. (online) https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/3361 [Accessed 5 February 2023].
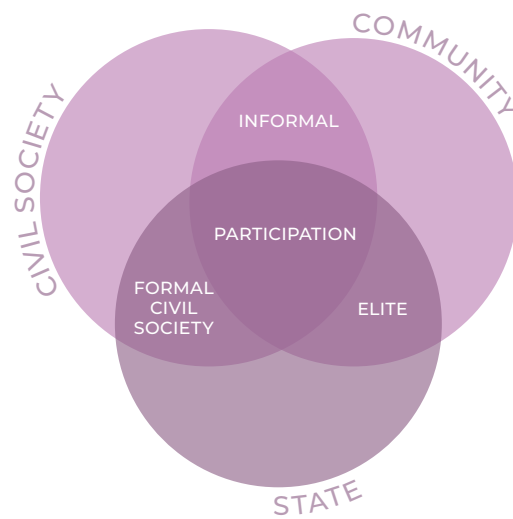
Figure 1: Relationship between the state, formal and informal, civil society and the community

Source: Hossian and Davies (1997)

Although this conceptual analysis resonates with South African state-society relations as part of Sub-Saharan Africa, this distinction is not always so clear where local politics intersect and overlap with the socioeconomic life of communities. In South Africa, the African National Congress (ANC) as the ruling party still enjoys overwhelming electoral support from rural municipalities and communities at local government level — even this is no longer the case in urban municipalities. However, the ANCs electoral support in rural municipalities does not necessarily means that all communities support the political authority of the ANC in their communities. Some community supporters of the ANC have assumed activist roles in their communities outside the branch structures of the ANC, while being active members of the party. This has complicated the underlying motives for the formation of informal civic movements outside the realm of the party. Most community leaders and activists who form part of local civic movements in local communities continue to have sociopolitical linkages and connections to ANC local structures — though their electoral support for the ANC has significantly diminished. One of the contributing factors is the disenchantment of the ANC's failure to deliver services. This is also underscored by patronage and factional politics within the ANC which has divided communities and fractured the party's community support. To a large extent, some local civic formations have been a direct outcome of factional politics that have led to breakaway groups; these groups have formed alternative local social movements that continue to participate in the everyday politics of municipalities both outside and inside the party-political structures of the ANC. Such dynamics complicate the relationship distinction between the state, civil society and communities.

2.2 Characteristics of informal civil society organisations in local government

Civil society organisations are generally understood to comprise visible, legally recognised organisations and institutions operating at local, provincial and national level. They have institutional capacity that enables them to actively engage with the state: as national, provincial and local NGOs, business associations, independent trade unions, and well-resourced and established community organisations. While there is a general understanding of the role of organised civil society, it is also crucial to understand that most civil society organisations operating at local government level, particularly in rural communities, are not nearly as formal in their formation. In fact, the normative term 'civil society' — used as a catch-all phrase to describe non-state actors — does little to demonstrate the heterogeneous nature of informal and formal organisations of non-state actors. In response to needs within communities, many small, locally focused community-based organisations have proliferated in the midst of state failure, although they are not registered entities.[21] They still fulfil a very important role in the socio-political life of local communities. In addition, community members have come together to cooperate in poverty-alleviation strategies as landless farmers, informal traders, youth and women formations. In the early part of the last decade, social movements (informal and loosely structured collectives of community members focusing on a particular issue) have managed catch the attention of the media as unelected community leaders and activists, despite or perhaps due to, their lack of structure and formality (ibid.).

This strongly resonates with characterising and defining rural-based civil society. Most civil society organisations operating at local government level can be described as community-based organisations or social movements, characterised by small groupings of activists and community leaders who come together to form a collective with common interests that vary in socioeconomic, political, governance, religious and cultural identities issues. As Fatton (1995) observed, this complexity necessitates that civil society be analysed in the plural between formal and informal civil society formation.[22] Such organisations operating at grassroots level, are often composed of community leaders, local elites of disenfranchised social groups or factions of political groupings (e.g. unemployed youth, women in poor communities etc.), even though at times some of the organisations' aims tend to be populist and claim authority on matters where there is state failure and exclusion. Informal civil society, in contrast, exists to a greater extent without legal registration, and is made up of less defined, less organised, under-resourced, less structured and fluid alliances with unclear rules, and are based on kinship, political (non)-affiliation, class, social deprivation and gender, all of which operate porously within and outside of particular community and jurisdictional boundaries. It is more non-institutional yet engages in organised sociopolitical activities within elements of communities, easily identifiable by insiders but often invisible to outsiders. The institutional rules of informal civil society are not

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21   Graham, L., R. Himlin, H. Engel, M. Mathoho, J. Reddy, A. Delany, R. Lewis and L. Williams (2008) Review of the State of Civil Society Organisations in South Africa (online) https://www.nda.org.za/assets/resources/CF824421-4FA0-41EE-AB69-4DB10CD0384A/Review-of-the-State-of-CSOs-in-SA-NDA-Audit-of-CSOs1.pdf [Accessed 11 November 2022].

22   Ibid.

so frequently converted into non-state 'players' as those in formal civil society. These different types of civil society are part of a spectrum from more to less formalised institutions and organisations, not distinct entities. Community-based organisations may commonly begin at the informal end of the spectrum, and then become part of formal civil society as their organisational capacity grows and they gain access to external resources and achieve legal recognition. The civil society organisations who participated in this initiative were mostly informal in their nature, composed of community members coming from various sectors of their communities; they were less resourced and had very little exposure to social accountability tools. Hence here the term informal civil society is mainly used to describe the community leaders and activists who were involved in the capacity building training on social accountability.

2.3 Social accountability

According to Agarwal et al (2009: 1), 'social accountability is an approach towards building accountability that relies on civic engagement, in which citizens participate directly or indirectly in demanding accountability from public officials on public goods and services rendered by local government.[23] It enables communities to determine the value of a service or facility provided by using evidence-based tools to establish the extent to which the rendered services meet the standards stipulated in the service-level agreement or contract signed between a government entity and a service provider.[24] This process is mainly driven through external accountability mechanisms that can be used to reinforce internal institutional accountability undertaken by council oversight structures such as Portfolio Committees, Audit Committees and Municipal Public Account Committees (MPAC), to ensure that the executive is able to deliver services effectively and efficiently as per the IDPs, Budgets and Expenditure.

It is therefore complementary in its strategies, by enabling citizens as recipients of municipal services, to monitor and exercise systematic accountability over the municipality, using tools such as community-based monitoring, citizen score cards, citizen charters, public expenditure tracking and public hearings. Social audits are part of social accountability strategies, which are community-led processes that facilitate public participation in the monitoring of government service delivery and expenditure. During the social audit process, communities study government documents and compare them to their experiences as recipients of a public service. Evidence and experiences are collected, presented, and then discussed with government officials and political representatives.[25] However, the process of embarking on social audits needs to happen in systematic phases and stages:

23   Agarwal, A., R. Heltberg, M. Diachok (2009) 'Scaling-up social accountability in World Bank operations' (online) http://documents1.worldbank.org/curated/en/423211468164948681/pdf/514690WP0Scali1Box342028B001PUBLIC1.pdf [Accessed 10 February 2023].

24   Kente, M. (2019) 'Good local governance a possibility: Advocating for social audits as a people centred oversight mechanism' (online) http://afesis.org.za/ [Accessed 11 November 2022].

25   https://www.osf.org.za/wp-content/uploads/2018/08/social-audit-pocket-guide-epdf-english-Open-Society-Foundation-for-South-Africa-OSF-SA-Publications.pdf

STEP 1: Hold a mass meeting and establish a mandate from the community.
STEP 2: Prepare and organise the participant group.
STEP 3: Train the participant group.
STEP 4: Develop and test social audit questionnaires.
STEP 5: Gather evidence in the community.
STEP 6: Capture community experiences and testimony.
STEP 7: Agree on the main findings and organising the evidence.
STEP 8: Prepare for the public hearing.
STEP 9: Hold the public hearing.
STEP 10: Reflect and follow up.

It is important to highlight that social audits may be political but are not explicitly based on party politics. Being non-partisan is crucial if the social audits and public engagements are to be open spaces that are free of coercion. Being open and clear about this will also help to counter claims by political leaders that the social audit process is driven by organisations with political party affiliations or agendas. Kente (2019) argues that because of the technical nature of social accountability methods, multiples resources are needed to capacitate communities to undertake and be part of the process.[26] Therefore, effective social accountability requires cohesive social movements among dispersed social activists in a locality who are equipped with knowledge, skills, organising capacity and resources needed to hold local government accountable. This kind of civil society formation is often absent in most rural and peri-urban municipalities because more attention has been paid to formal civil society organisations in urban contexts. Hence social accountability activities are prominently found in urban municipalities, with the support of well-established and well-resourced international civil society organisations.

Organisations such Oxfam South Africa (OZA), The International Budget Partnership (IBP) and Afesis-Corplan have been able to form partnerships with local community-based organisations across urban and rural metropolitan municipalities operating in the social justice and social accountability spaces through their capacity building support programmes. IBP has been primarily the leading organisation in developing and organising effective community-based social audits, budget advocacy, surveys and monitoring tools such as *Asivikelane* to monitor the delivery of water, toilets and waste removal in urban informal settlements.[27] IBP has made remarkable contributions in building the capacity of local activists and community-based organisations operating township and informal settlement communities in peri-urban municipalities, which enable these communities to conduct their social audits. It has also managed to develop a multi-stakeholder partnership with state institutions such as AGSA to complement financial auditing processes with social audits in socially deprived township communities.

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26   Kente, M. (2019) 'Good local governance a possibility: Advocating for social audits as a people centred oversight mechanism' (online) http://afesis.org.za/ [Accessed 11 November 2022].

27   See https://internationalbudget.org/country/south-africa/

On the other hand, social accountability using tools such social audits have not been able to widely reach most rural communities. Due to the geographical marginality predisposition of rural communities, rural-based civil society organisations often experience limitations in expanding their resource pool, coalition formation and networks with well-established international and national civil society organisations that actively provide capacity-building support to rural-based civil society organisations working in the governance and accountability space. Berthin (2011) notes that the central elements enabling civil society organisations to conduct social audits, entails their capacity to organise, as well as their available technical and advocacy skills.[28] The skills required probably encompass legal, operational and communication skills, and are important not only in terms of technical skills but also of using them to mobilise support and resources. Similarly, this can be argued for communities and the public, in respect of possessing knowledge and skills to interrogate and assess government's performance.

Rural-based civil society are also not widely exposed to social accountability tools and the knowledge needed to review the performance of municipalities systematically and formally. Before implementing social accountability activities, rural communities require some form of training and capacity building to obtain the necessary basic knowledge on how local government works and the application of skills needed to monitor and evaluate the performance of government for the social audit process to be effective. By imparting skills and knowledge, civil society will have the necessary capacity to foster a sense of community ownership to independently conduct their own social audits using citizen report cards, community score cards, community-based monitoring, public budget tracking and public hearings. These are tools and social accountability tools that most rural communities and activists are not exposed to. Hence the social accountability project focused mainly on the foundations of building knowledge needed by rural-based local civil society organisations and communities in selected municipalities at Alfred Nzo District Municipality as the foundations of social accountability.

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28   Berthin, G. (2011) 'A practical guide to social audit as a participatory tool to strengthen democratic, governance, transparency, and accountability' (online) https://www.researchgate.net/ [Accessed 5 February 2023].

Findings

3.1 Building relations with local government on social accountability

This section discusses the findings drawn from observations made during the implementation of OZA's social accountability capacity-building workshops in three local municipalities: Ntabankulu, Matatiele and Winnie Madikizela Mandela.

I joined this initiative as a participant observer when OZA was organising their first introductory workshop on social accountability for local communities at Ntabankulu Local Municipality on 8 February 2022. Community activists in Ntabankulu Municipality heard about OZA's governance and social accountability support work with local activists in Matatiele, Umzimvubu and Winnie Madikizela Mandela local municipalities. Activists from Ntabankulu Municipality reached out to OZA, requesting similar capacity-building support for their community activists who were attempting to engage with their municipality on issues of municipal governance and accountability.

OZA responded by developing an introductory workshop for community members in Ntabankulu Municipality. However, instead of focusing on local civil society organisations, OZA decided to take a different approach by extending the participation to councillors. The municipal speakers' office responded positively to this initiative and played an important role by assisting OZA and inviting political representatives and the various members of society who were known to be active in local affairs of the municipality.

The municipality also provided access to the community hall as a venue for the workshop. The municipality viewed this as an opportunity to reconcile the strained relationships between informal civil society and the municipality, by drawing on shared knowledge needed to strengthen accountability and participation processes. Participants included ward and PR councillors, community leaders, ward committee members, youth formations, subsistence farmers, informal traders, traditional authorities, religious leaders, people living with disability and the LGBTQI community. Community leaders who participated in the training were predominantly women and youth.

3.2 Setting the scene: understanding service delivery issues in municipalities

The workshop in Ntabankulu opened with rounds of introductions of various community members from different wards in the municipality. Community members reflected on the state of development in their municipality and the way in which their community initiatives contributed towards the development of communities who still do not have access to socioeconomic opportunities. Through their reflections, communities appreciated the developmental changes that they had observed since the dawn of democracy. They reflected on how the rural electrification project and water infrastructure for rural villages have remarkably helped their villages to participate in subsistence farming activities as a form of poverty-relief strategy. However, they raised concerns about the bad state of the road infrastructure, shortage of water irrigation systems and sanitation, high youth unemployment and lack of economic programmes, all of which have aggravated antisocial behaviour (drug and alcohol abuse) among the youth. They also highlighted that as migration issues have been observed in metropolitan municipalities, the immigration of Chinese and Pakistani nationals has also been a source of discord and tension within local communities. One participant iterated that the high level of unemployment and lack of economic opportunities have led to these tensions, where communities are beginning to express their displeasure with migrants as 'taking over local economy and opening businesses rural towns and villages' (observation notes, 8 February 2022).

Going through the municipal IDP (2021-2026) and Annual Report (2020/21), indeed it shows that Ntabankulu is one of the municipalities with the highest levels of unemployment and poverty, leading to an increase in the dependency on social grants, with a high number of indigent communities registered on

the municipality Indigent Register — which also contributes to the low revenue collection rate of the municipality. Out of the 36 per cent of the population that is not economically active, 61 per cent of this population is mainly youth. According to the social grant dependency ratio, approximately one third of households in Ntabankulu receive social grants from the Department of Social Development (child support and old age grants). About 7 per cent of households receive an employer grant and 38 per cent of the households receive a social relief grant. The municipality has acknowledged that there is a pressing need to develop a social and youth development programme and infrastructure planning to tackle youth unemployment and poverty[29]

In terms of road infrastructure, as a visitor driving through the town of Ntabankulu, I was able to observe the bad state of the main road infrastructure, which corroborated the participants' concerns about road infrastructure in Ntabankulu Municipality. In the annual report, it is recorded that 99 per cent of the roads are poorly maintained gravel roads. District roads which link the small towns such as Ntabankulu, Flagstaff and Mount Frere have deteriorated to a level of unsafety. These are the commuter roads mainly used by rural communities to access the local hospitals and service centres in these towns. Although the municipality has a Local Integrated Transport Plan (2019-2024), adopted by council in June 2020, the funding of this plan is highly dependent on the Municipal Infrastructure Grant (MIG) of R26 million, which has been considered insufficient to address the 505km of municipal access roads and 280km of district roads: maintenance, resurfacing and constructing new asphalt and gravel roads. Local small-scale farmers were mostly concerned about the poor availability of water.

While providing water remains a function of the Alfred Nzo District Municipality, the district approximately still has a 50 per cent backlog. Water schemes are not functional, with faults ranging from malfunctioning boreholes to water purification. The same problem was experienced in Matatiele Local Municipality, where communities complained about the Fobane Water Scheme that was not operational. The state of sanitation was no exception, displaying a 70 per cent backlog in the annual report. Electricity seemed to the be only service which the municipality, with support from Eskom's electrification programme, had managed to perform exceptionally well. The electricity backlog has been eradicated, with the municipality registering only a 3 per cent household electrification backlog. Despite the above service delivery backlogs, the municipality still managed to get an unqualified audit report. Yet community members emphasised that, according to their lived experiences, the audit outcome did not reflect the quality of services delivered by the municipality. This reflection set the tone for the objectives of the social accountability workshop.

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29   https://www.ntabankulu.gov.za/wp-content/uploads/2022/04/AUDITED-ANNUAL-REPORT-WITH-OVERSIGHT-REPORT-2020-2021.pdf
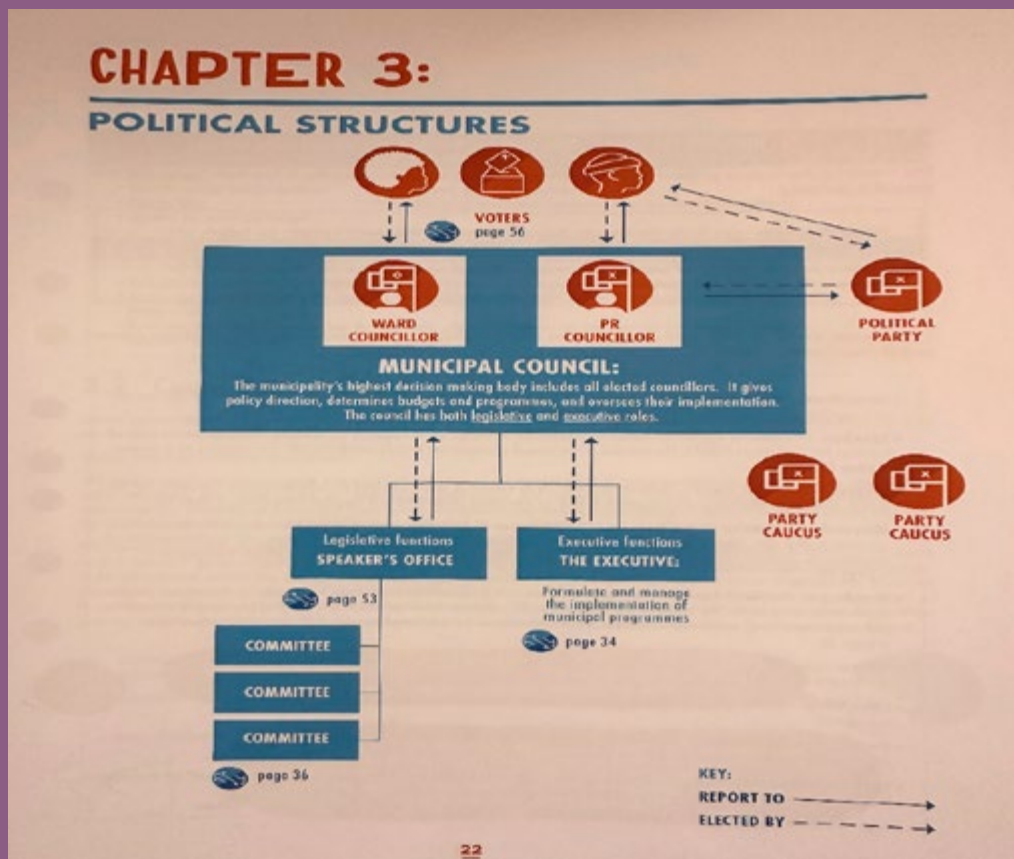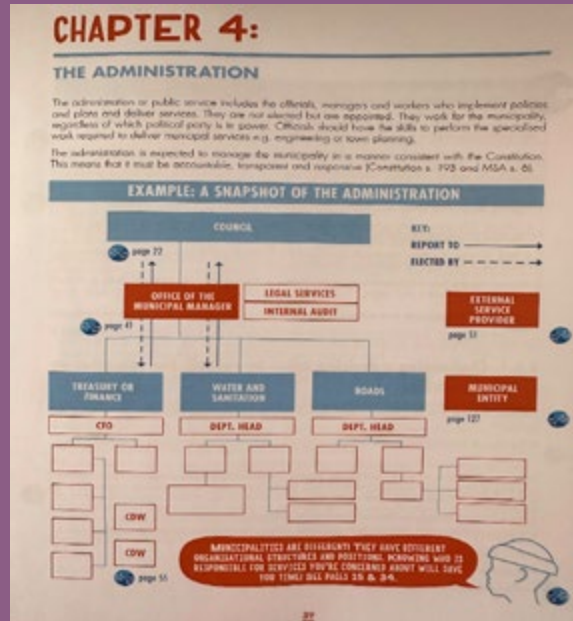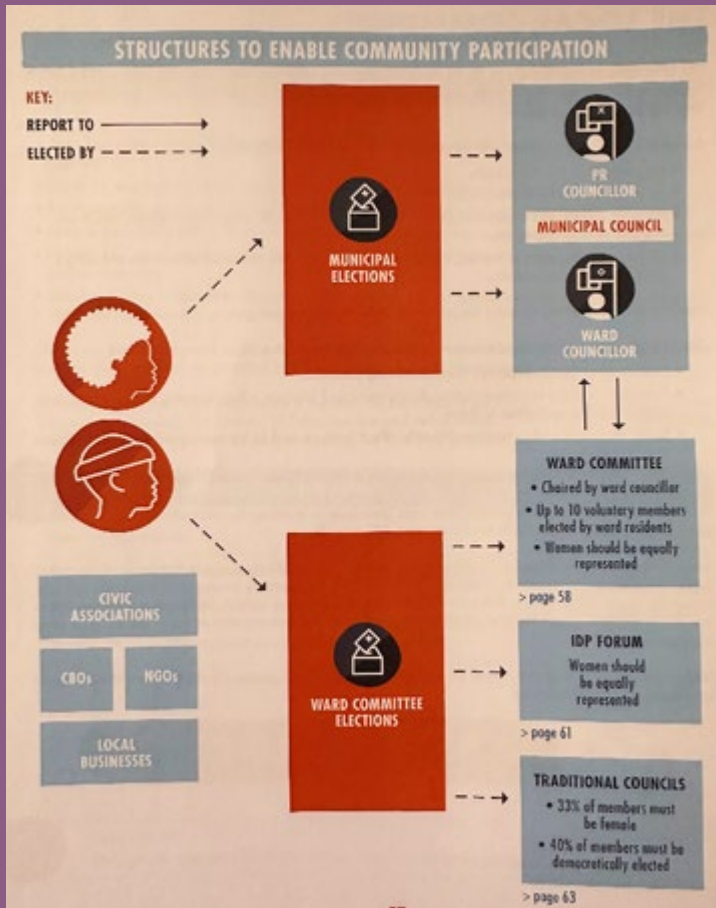
3.3 Introduction to local governance and accountability

The training session in Ntabankulu Municipality on the 8th of February 2022 was facilitated by a trainer from Afesis-Corplan, using a toolkit titled 'Holding Local Government Accountable: An Activist Guide'. This training manual was developed by Afesis-Corplan in collaboration with other partner organisations. The toolkit simplifies information related to local government legislation, structures and role players, the role of communities in planning and oversight, and constitutional rights to water, housing, sanitation and spatial justice. The facilitator started the training by providing a background context of the local government institutional and legal framework. This presentation provided the participants with the constitutional mandate of local government, an understanding of cooperative governance in relation to the three spheres of government (national, provincial, local government), and categories of municipalities, their distinct powers, functions, roles and responsibilities, followed by the structures of local government councils and the administration.

This session helped communities identify how they (local communities) feature in the processes of participation in council decision making through IDP representation forums, ward committee forums and submission of petitions as mechanisms for direct engagement in holding unresponsive councils accountable. Since Ntabankulu is characterised by rural villages under the leadership of traditional authorities, a section on traditional leadership and local government also formed part of the introduction to local structures. However, during the deliberations on Constitutional rights, communities alluded to the fact that they were not familiar with the South African Constitution, particularly on how the Bill of Rights related to the constitutional mandate of local government in the provision of basic services. Afesis-Corplan had judiciously brought copies of the South African Constitution translated into isiXhosa. This was distributed to the participants and the facilitator elucidated the sections relating to local government and human rights.

After this session, the facilitator used a hypothetical organogram of council and the administration to illustrate the separation between the executive and legislature (council), with respect to their powers and functions.

Participants were allocated to eight groups and given the task of developing an organisational structure for Ntabankulu council and the administration by delineating legislative (speaker, chief whip and portfolio committees) and the executive (mayor, members of the mayoral committee and heads of administration) offices, thereby seeking to indicate which offices are relevant to matters of public participation and attending to community-related complaints and petitions. We encouraged councillors to rotate among all the groups to assist community participants in the given exercise. This was an important and insightful exercise as it demonstrated the extent to which community members and councillors understood institutional structures and administrative systems and processes of local government. This exercise was mostly significant for community

STRUCTURES TO ENABLE COMMUNITY PARTICIPATION

KEY:
REPORT TO →
ELECTED BY ⇢

MUNICIPAL ELECTIONS

MUNICIPAL COUNCIL

PR COUNCILLOR

WARD COUNCILLOR

WARD COMMITTEE
- Chaired by ward councillor
- Up to 10 voluntary members elected by ward residents
- Women should be equally represented

> page 58

CIVIC ASSOCIATIONS

CBOs   NGOs

LOCAL BUSINESSES

WARD COMMITTEE ELECTIONS

IDP FORUM
Women should be equally represented

> page 61

TRADITIONAL COUNCILS
- 33% of members must be female
- 40% of members must be democratically elected

> page 63

CHAPTER 4:

THE ADMINISTRATION

The administration or public service includes the officials, managers and workers who implement policies and plans and deliver services. They are not elected but are appointed. They work for the municipality, regardless of which political party is in power. Officials should have the skills to perform the specialised work required to deliver municipal services e.g. engineering or town planning.

The administration is expected to manage the municipality in a manner consistent with the Constitution. This means that it must be accountable, transparent and responsive (Constitution s. 195 and MSA s. 6).

EXAMPLE: A SNAPSHOT OF THE ADMINISTRATION

COUNCIL

KEY:
REPORT TO →
ELECTED BY ⇢

OFFICE OF THE MUNICIPAL MANAGER

LEGAL SERVICES
INTERNAL AUDIT

EXTERNAL SERVICE PROVIDER

TREASURY OR FINANCE — CFO

WATER AND SANITATION — DEPT. HEAD

ROADS — DEPT. HEAD

MUNICIPAL ENTITY

CDW

CDW

MUNICIPALITIES ARE DIFFERENT! THEY HAVE DIFFERENT ORGANISATIONAL STRUCTURES AND POSITIONS. KNOWING WHO IS RESPONSIBLE FOR SERVICES YOU'RE CONCERNED ABOUT WILL SAVE YOU TIME! SEE PAGES 16 & 34.

CHAPTER 3:

POLITICAL STRUCTURES

VOTERS
page 56

WARD COUNCILLOR

PR COUNCILLOR

POLITICAL PARTY

MUNICIPAL COUNCIL:
The municipality's highest decision making body includes all elected councillors. It gives policy direction, determines budgets and programmes, and oversees their implementation. The council has both legislative and executive roles.

PARTY CAUCUS   PARTY CAUCUS

Legislative functions
SPEAKER'S OFFICE
page 53

Executive functions
THE EXECUTIVE:
Formulate and manage the implementation of municipal programmes
page 34

COMMITTEE
COMMITTEE
COMMITTEE
page 36

KEY:
REPORT TO →
ELECTED BY ⇢

members in understanding the functions, roles and responsibilities of institutional offices in relation to the Local Government Municipal Structure Act no, 117 of 1998 and the Local Government Municipal Systems Act 32 of 2000 and how to engage with these structures in the process of exercising accountability.

The eight groups developed organograms that were significantly different to each other. Two groups decided to hierarchically place the mayor at the apex of council, followed by the speaker and the municipal manager. They indicated that if community issues emerged, they would communicate them directly to mayor's office instead of the speaker's office. Another group mixed the executive and council positions, indicating that both speaker and mayor enjoyed equal political authority in attending to service delivery protests and, according to their knowledge, the municipal manager reported directly to the speaker and mayor. Most groups managed to place Section 80 committees (Municipal Structures Act, 1998) as part of the executive system, but omitted the Section 79 portfolio committees (Municipal Structures Act, 1998). Only one group was able to separate Section 79 portfolio committees from Section 80 mayoral committees, although they did not know the portfolio committee chairs. But what was common among all eight organograms was that they had good knowledge of the mayor, speaker, municipal manager and senior managers of the different service delivery departments within the institutional arrangements. They were also frank about by-passing their councillors and heading to the either the speaker's office, the mayor's office or administration if their concerns were not addressed.

This exercise indicated that most communities, including its councillors, still struggle to understand the institutional arrangements of local government and the central role that the legislative arm of council plays in oversight and accountability. Despite the councillor induction programme that is regularly implemented by South African Local Government Association (SALGA) for newly elected councillors at the beginning of their term, councillors who participated in the group exercise paid little attention in listing Section 79 portfolio committee systems, and this tells us that councillors also struggle in understanding the importance of the legislative functions when it comes participation and oversight. Using the information provided in the organogram, I helped the facilitator to restructure the organogram for the participants and demonstrated the accountability value-chain, from the legislative, up to the executive and administration arms of council, and pointed out the importance of portfolio committees as oversight structures in council. I also helped the facilitator to specifically highlight the recent amendment of the Municipal Public Accounts Committee (MPAC) which has been institutionalised as a full-time committee and role that the speaker's office and ward committees play in facilitating public participation. The polarisation and dysfunctional nature of ward committees also resonated with some of the challenges that communities were experiencing with their own ward committee systems. Hence the practice of bypassing councillors and ward committees in reporting service delivery issues in their wards.

3.4   Linking financial audits with social audits

The question of financial audits not reflecting the lived experiences of communities in Ntabankulu Municipality was one of the key issues that communities delved into. This stems from the fact that Ntabankulu Municipality obtained an unqualified audit report in 2020/21, yet communities still didn't have access to water and sanitation, with a record of poorly maintained road infrastructure and high levels of unemployment. The facilitator asked the participants if they understood the objectives of financial audits and the differences between unqualified, qualified, adverse and disclaimer audit findings. Responses from the participants made it clear that they didn't understand the audit outcomes per se, which led to including a session that delved into financial management and its importance in assessing whether government has spent the allocated budget according to Municipal Finance Management Act (2000) (MFMA) and in compliance with procurement systems, and whether the municipality has received the services which have been paid for. This is where the concept of social audits was introduced as an important feature in external accountability, particularly in monitoring the value for money — or lack thereof — demonstrated by service providers and holding them accountable for poor services and exploitation of tenders. It was emphasised that to exercise effective control over accountability, access to information is very crucial. This information, relating to service delivery, budget and expenditure, is contained in the IDPs, Service Delivery Budget Implementation Plans (SDBIPs), Budgets, Service Level Agreements (SLAs) and Performance Agreements of officials and accessing such documentation is possible using the Public Access to Information Act (PAIA). Participants indicated that they had not been able to thoroughly engage with municipal documentation and had very little knowledge about how to access such documentation using the PAIA processes. The facilitator then presented a documentary video about a social-audit process that was conducted by a community in eNqushwa Local Municipality in the Eastern Cape province regarding poor workmanship of a stadium, where in fact the municipality had paid the service provider that subverted compliance with the bid specifications.

The facilitator used this example to demonstrate the importance of community activism in monitoring infrastructure projects from their inception by means of studying documentation that contains information about bid and procurement processes, interrogating if there has been compliance with procurement processes, whether service providers have the capacity to deliver, and how much has been spent, that is, tracking project expenditure. This also extended to issues of how local communities were selected for involvement in the construction projects, conditions of employment and engaging with communities employed in the projects who are able to provide first-hand information instrumental to the assessment of the quality of material and construction works. The documentary ignited a debate among the participants: most community members and traditional authorities began to reflect on the way in which the municipality failed to be transparent about infrastructure projects in their own municipality. They complained about being intimidated by councillors once they dug deeper

into the implementation of infrastructure projects and the appointed respective service providers, which in turn agitated councillors in the room, leading the latter to respond in an aggressive and defensive manner to the accusations. The facilitator tried to mediate the escalating tensions by demonstrating how the lack of transparency often raises a trust deficit in communities. In response to this situation, the facilitator proposed to print the IDP and SDBIP documents and offer both councillors and communities an opportunity to work together to interrogate these documents in relation to concerns raised on infrastructure projects. This exercise helped to demonstrate the importance of working together in doing oversight work through collaborative participation.

3.5 Framing the agenda for social audits

As part of the first phases of planning and executing social accountability activities, it is important to establish legitimacy by identifying and engaging with community structures and leaders. Such engagements enable the community to identify an issue that must be subjected to audit.

Unlike the informal civil society organisations operating in Ntabankulu, the organisations in Winnie Madikizela Mandela and Matatiele Local Municipalities were at an advanced stage of self-organising as a collective of community-based organisations and activists, and had been able to establish social audit committees that were interested in pursuing social accountability activities. Social audit committees are informal structures that are mainly established by community members who are interested in pursuing social accountability using social audits in their municipal boundary or ward boundary.

Informal civil society organisations in both municipalities had previously benefitted from OZA's capacity-building initiatives before I joined the project. In other words, they had already been introduced to local government accountability. Their

social audit committees were composed of members who were elected from various social groups, youth activists from different political organisations and community-based organisations. They were able to hold regular community consultation meetings with various community activists and leaders in their wards. The social audit committee from Winnie Madikizela Mandela Municipality was named Mbizana social audit committee. They had formed Whatsapp chat groups and social media platforms to facilitate engagement with communities on service delivery issues. The main concerns which emanated from the regular community engagements in Matatiele and Winnie Madikizela Mandela Municipality were related to incomplete infrastructure projects. In Matatiele Municipality, communities from ward 23 were mainly concerned about the Fobane Water Scheme project which had been left incomplete, without furnishing the communities with information on the reasons why it was not operational. On the other hand, communities at Winnie Madikizela Mandela Municipality were also concerned about an incomplete football stadium that was beginning to hamper the professional development of a local football team (the Bizana Pondo Chiefs).

The Mbizana Local Football Association (MLFA), which is an associate of the South African Football Association (SAFA), sent a letter to the OZA and the Mbizana social audit committee on 25 March 2022, requesting them to provide training on how to embark on a social audit process that would assist in holding the municipality accountable for the incomplete stadium and allegedly making undue payments to service providers. This stadium was commissioned by the Winnie Madikizela Mandela Municipality and provincial departments of Sports, Arts and Culture, and Public Works. The failure to complete this stadium had hampered the local youth league footballers who were playing for the Bizana Pondo Chiefs, because while the local football club had managed to attract and train young talented football players coming from socially deprived rural backgrounds, the professional development of these players was halted by the lack of proper football facilities. The football club had been gradually climbing up the football association ladder and had begun competing in the provincial and national competitions. However, their ability to advance towards professional competition in the higher leagues was constrained. The MFLA complained about the financial burdens of having to solicit funding for the football players, such as to travel 300km to Durban to participate in professional training sessions at King Zwelithini Stadium, simply because contractors had failed complete the stadium.

3.6 Setting up a community meeting for social audit

OZA organised a PAIA and social audit training workshop for the social audit committee. This was preceded by a community meeting organised by the social audit committee to deliberate on undertaking a social audit on the incomplete stadium. Although OZA and Afesis-Corplan had managed to successfully deliver the PAIA and social audit workshop, the community meeting that was organised and facilitated by the social audit committee took a different turn. The meeting was facilitated by the Mbizana social audit committee with the objective of getting consensus through community engagement. The process of preparing for social audits, driven from below, ought to be led by local communities to

ensure that there is community ownership. Therefore, OZA opted to play a passive observer role during the community engagement meeting, while providing relevant information to community members regarding the processes and steps to be taken when embarking on a social audit of this nature. Approximately 200 community members coming from 17 wards attended the meeting. Most participants were representing youth formations, including the local football players.

The Mbizana social audit committee confidently indicated that there was a general consensus among communities about the possibilities of initiating a social audit that would provide the community with more information on the status of the stadium. However, communities seemed to hold divided views on the matter. Basically, there were clear lines of division between two groups: those supporting the social audit committee in undertaking a social audit on the stadium, and those against it. The group which was against this process questioned the presence and role of OZA as an 'outsider organisation participating and meddling in local affairs'. There was constant disruption and heckling when other community members expressed their support for the social audit process.

When other members of the community raised concerns about allegations of misappropriation of funds, regarding which they would like to obtain clarity from the municipality through the submission of a PAIA request, they were shut down by other members who questioned how they were going to benefit from doing a social audit. Some members of the Mbizana social audit committee, including members of football association, were reluctant to express their concerns. Instead of facilitating an open discussion about community concerns relating to the stadium, the meeting was marked by distrust, reluctance, self-censorship and suppression of the voices of community members by a small group of activists

who seemed to have usurped authority over the matter. One of the community members remarked: 'Comrades, this is a sensitive issue and I think it's best for us to wait for the ANC conference to take place before we can take a decision about pursuing the matter of the stadium.' (Observation notes, 11 April 2022). The meeting adjourned without reaching a consensus.

3.7   The patronage trap and accountability from below

The following day, we had a debriefing session with the Mbizana social audit committee to get to understand why communities had decided not to proceed with the PAIA submission and the social audit. One of the members said that:

> *Withholding access to information has been one of the key strategies that municipality uses hide information about a tender that was awarded for building the stadium. They know that once we get hold of the information, a lot will be revealed. That's why they [political elites] sent a group of people to disrupt the meeting. They came well prepared.*

Discussion notes, social audit committee member, 12 April 2022

Another member of the Mbizana social audit committee also attested to the notion of political interference:

> *Local government is also captured. If you talk about state capture, you should see how our communities have been captured by local and provincial government politicians and the business community who are benefitting from tenders to build stadiums in our province. There is a certain politician [Babalo Madikizela] who serves in provincial government who comes from this area and has a large support base in the local structures of the party. People don't want to talk because they are afraid that they will be identified by his handlers who were sent to do surveillance on who is pushing for the issue of the stadium. People are afraid of being side-lined by this politician and his group of supporters in the municipality.*

Discussion notes, social audit committee member A, 12 April 2022

Reiterating the point of how local political dynamics have contributed to muting communities who seek accountability, another member of the Mbizana social audit committee articulated that:

> *We also have activists who act also as political gatekeepers. Business people also used money to silence community activists. Sometimes they use these political gatekeepers to intimidate and bribe other community activists to make sure they don't speak out. They act as foot soldiers to disperse [sic] discord and disrupt meetings by inciting communities to ask questions such as how communities are going to benefit [monetarily] from doing social audits.'*

Discussion notes, social audit committee member B, 12 April 2022

What transpired from these discussions was that communities who were supporting the idea of conducting the social audit were suspicious that the money paid to the service provider might have been used to bankroll Babalo Madikizela's campaign for running for office as the ANC provincial chairperson in the ANC conference due to take place in May 2022.[30] At some point, the Eastern Cape Premier, Oscar Mabuyane, and the former MEC for Public Works, Babalo Madikizela, were both implicated in a number of scandals relating the misappropriation of funds to the tune of R1.1 million that had been paid by the Department of Sports, Recreation, Arts and Culture to Winnie Madikizela Mandela Municipality to help transport people to the memorial service of Winnie Madikizela Mandela in 2018, without following proper procurement procedures.[31] According to Public Protector report, Babalo Madikizela personally benefitted R350,000 from the amount of R1,1 million that was deposited into the FNB account of IPM Plant Hire CC, which is a private company owned by his wife Ms Zona Zetu Siyazithanda Madikizela.[32]

There were also mounting rumours that while Babalo Madikizela was the MEC of Public Works, he had become central in establishing patronage networks in the province through infrastructure projects, where most of these projects had been left incomplete or didn't meet the bid specifications in various local municipalities at the Alfred Nzo District Municipality. Some of these projects were allegedly awarded to his construction company which he had set up before his assumption of political office. Hence there was growing mistrust and suspicion from community members who were not getting access to documents containing information on the construction of the stadium from the municipality.

The current municipal manager of Winnie Mandela Municipality was also implicated in the aforementioned case of irregularly awarding a transportation contract for the funeral Winnie Madakizela Mandela in 2018, where monies were allegedly paid both the premier and Babalo Madikizela's wife company IPM Plant Hire CC. Interestingly, the municipal manager, Luvuyo Mahlaka, admitted in an interview with eNCA that the same company, IPM Plant Hire CC — which was under directorship of Babalo Madikizela and his wife — was also contracted to build the incomplete Mphuthumi Mafumbatha Stadium at Winnie Madikizela Mandela Municipality.[33] Hence communities were highly suspicions that both the municipal manager and Babalo Madikizela could have collusively been involved in concealing information about the stadium to protect Babalo Madikizela from being implicated in a conflict of interest — even though the communities had no proof of such.

The politics playing out between the Mbizana social audit committee and divided communities around this issue demonstrates the processes of initiating political accountability through clientelistic environments, patron-client forms of interaction

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30 https://www.news24.com/news24/southafrica/news/high-stakes-showdown-eastern-cape-anc-rivals-hold-last-minute-rallies-as-battle-lines-drawn-20220507

31 https://www.news24.com/news24/southafrica/news/npa-yet-to-decide-on-prosecuting-anc-bigwigs-for-alleged-theft-of-money-meant-for-winnie-memorial-20220722

32 https://media.citizen.co.za/wp-content/uploads/2021/10/Final-Report-Bam.pdf

33 https://www.youtube.com/watch?v=TyKj7T-LVAM

between communities, informal civil society and the political system which have become intertwined. In such a context, there is more likely to be 'reverse accountability'. As Fox (2007) argues, sometimes state actors can exercise their undue power and authority by subordinating communities to account for certain behaviours, such as demanding accountability for challenging political authority which may be viewed by the political elites as engaging in political dissent activities. Most importantly, the use of state resources to secure voter support for political office can undermine the potential of exercising vertical accountability, and it deters citizens from participating in civic organisation activities, thus weakening its local informal civil society formation.[34] Here we can see how local politics and political power dynamics play out involving local and provincial elite, which permeate into local civil society through social structures imbued with patron-client relations at all levels of the social hierarchy.[35]

While it is assumed that social audits should be nonpartisan so as to ensure that public engagements remain open spaces that are free of coercion, on the other hand, invented spaces for social accountability can be penetrated by local party politics, particularly in local environments where economic and political elites are closely interlinked. Local elites can use patron-client networks that are strongly entrenched in the contemporary social and political systems — with the ANC as the ruling party — which overlap considerably with the state structures. Whether based on business links or party affiliations, patron-client relationships can overpower informal civil society spaces of engagement.

As we can see, the authority of a political leader has been sustained more through the clientelistic exchange of favours and loyalties than any drive to pursue a social justice for communities. Patronage in smaller communities, where there is a high dependence on social and economic relief from the state, is of key importance since it relies on a specific concept of accountability that can be understood either as a one-to-one relation, or a systemic, structural network of relations in which individuals in the lower ranks of the hierarchy are accountable to individuals in the higher ranks; or in which accountability is owed to particular groups engaged in the exchange such as political groups with which the actor is connected.[36] In using the term 'patronage trap', we refer to the condition in which civil society organisations promoting and implementing various social accountability mechanisms end up being caught in webs of clientelistic relations due to the influence of strong patronage structures. Thus, instead of carrying out independent monitoring of public officials and elected representatives' performance, they are forced to engage in clientelistic exchange and resistance of political interference.

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34 See Fox. J. (2007) 'The uncertain relationship between transparency and accountability'. *Development in Practice* 17 (4): 663-71.

35 Springer, S. (2015). *Cambodia's neoliberal order violence, authoritarianism, and the contestation of public space.* London: Routledge.

36 Kimchoeun, P., H. Vuthy, E. Netra, A. Sovatha, K. Sedara, J. Knowles and D. Craig (2007) 'Accountability and Neo-patrimonialism in Cambodia: A Critical Literature Review ' - Working Paper 34. CDRI: Phnom Phen.

3.8 Protests and PAIA petition submission as a form of resistance

Irrespective of encountering resistance from certain members of the community and not being able to gain broader consensus, the Mbizana social audit committee was not deterred from pursuing the submission of a Promotion of Access to Information Act 2 of 2000 (PAIA) form. While community members who had rallied behind the Mbizana social audit committee decided to abandon the initiative of submitting the PAIA form to the municipality, other community members were more determined to scrutinise the current state of the stadium. Kente (2019) argues that access to information is embedded in the use of the social audit tool and it becomes difficult to conduct a social audit without access to information.[37] Therefore, the social audit tool presents an opportunity to adopt access to information mechanisms for citizens to openly engage with government documents and spending. It provides communities with an opportunity to ask questions about specific service delivery objectives.

Agarwal et al (2009) notes that there are two sets of obstacles that must be overcome for this to happen.[38] Firstly, citizens must have reliable information on their entitlements and the performance of services, and secondly, they must be able to take actions based on that information to demand accountability. Social accountability relies on civic engagement and resilient activism, where the public persistently demands access to information about budgets, expenditures and services, and extracts accountability and transparency.[39] This suggests that access to information is fundamentally important in the pursuit of social accountability because information is seen as having power and provides people with the knowledge to demand political, economic and social rights.

In South Africa, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the state, as well as information held by another person (or private body) when such privately held information is required for the exercise and protection of rights. The PAIA aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information; to actively promote a society in which the South African people have effective access to information to enable them to more fully exercise and protect all of their rights. The PAIA, therefore, links directly to social audits: for communities and the public to engage with government, they need sufficient information in order to understand a situation and interrogate government, and this because a social audit is a community-led process whereby communities review government documents and information. Thus, PAIA is indispensable within the social audit process. On this premise, the social audit committee insisted on submitting PAIA forms, which nonetheless fell on deaf ears at the municipality. The Mbizana social audit community then resorted to a different strategy: they mobilised communities to sign a petition and

37 Kente, M. (2019) 'Good local governance a possibility: Advocating for social audits as a people centred oversight mechanism' (online) http://afesis.org.za/ [Accessed 11 November 2022].

38 Agarwal, A., R. Heltberg, M. Diachok (2009) 'Scaling-up social accountability in World Bank operations' (online) http://documents1.worldbank.org/curated/en/423211468164948681/pdf/514690WP0Scali1Box342028B001PUBLIC1.pdf [Accessed 10 February 2023].

39   Ibid.

wage a protest on 21 June 2023, that would be accompanied with a PAIA form, requesting specific information on the status of five key projects that remained incomplete from the Winnie Madikizela-Mandela Municipality. This community action galvanised the attention of national media, to the extent that the municipal manager had to respond in a television interview on the eNCA news channel with regards to the status of the stadium project.[40] Due to the mounting pressure on media and social platforms, the municipality had no option but to provide a written response to the Mbizana social audit committee, inviting them to a meeting with municipal officials which was held on 19 August 2022. Before going into the meeting with the municipal officials and the speaker, OZA advised the Mbizana social audit committee to request the following documentation, which would provide them evidence and which should be accompanied by an update report on the pertinent projects, viz.:

- Tender Bid Specification accompanied by the Bill of Quantities
- Tender Advert
- Bid Evaluation Committee minutes
- Bid Adjudication Committee minutes
- Appointment letter to the Contractor
- Service Level Agreement
- Certificate of Completion accompanied by monthly progress reports if the stadium was completed.

The municipality agreed to provide the Mbizana social audit committee with a full written report updating them on the projects. However, what also interestingly transpired during the meeting concerning the Mphuthumi Mafumbatha Stadium was that municipal officials denied that the infrastructure being built was a stadium. Instead they made claims that the structure tendered for was a 'sports field'. Secondly, the municipality only provided a status update on the projects without the specifically requested supporting documentation. Lastly, the municipality turned down the request made by the Mbizana social audit committee to be granted access into the stadium construction site to conduct a site inspection with the purpose of establishing the compliance of the erected infrastructure with the governing service level agreement and amounts that had been spent thus far.

3.9   Roping in the AGSA

Seeing that the Mbizana social audit and the community had reached a dead end in respect of getting detailed information regarding the stadium, OZA and PARI had to bring the office of the Auditor-General, who had been following the developments throughout our engagements, into the fray. Taking into account that the municipality was refusing to cooperate with the Mbizana social audit committee by a) not providing the requested supporting documents as was listed in the PAIA form, and b) refusing to grant the committee access to the stadium to view and assess the construction of the stadium. PARI and OZA requested that

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40   https://www.youtube.com/watch?v=gi8k9HL4TUE

AGSA issue a Request for Information (RFI) to the Winnie Madikizela Mandela Municipality, with the objective of putting the aforementioned stadium on the local government audit agenda for 2021/22. OZA and PARI also organised a meeting with a representative from AGSA national office who is in charge of stakeholder management, to allow the members of the Mbizana social audit articulate the concerns emanating from the community about the non-cooperation from the municipality in the presence of the AG's office. After the meeting, OZA and PARI on behalf of the Mbizana social audit committee, requested the AG to conduct: 1) a procurement audit; 2) a contract management audit, and 3) a performance information audit, which would complement our social audit pilot project. The AG's office responded that they were unable to conduct a separate audit but would consider placing the issue of the stadium on their agenda for the November audit period.

On the 23 of February 2023, the Auditor-General wrote to OZA and PARI, giving feedback on the outcome of their audit in relation to the subject matter as follows: a) procurement audit. and b) contract management audit. AGSA had audited the awarding of the contract, and no non-compliance was identified. The findings reported to management of contract were as follows: The project has exceeded the original planned completion date which was 26 May 2021, and was still not complete at the time of the audit. The AG found no evidence provided by the municipality that the contractor submitted requests for an extension of time. Reasons for the delay were provided by the municipality including the delay caused by the Covid pandemic with the related shortage of material, as well as weather conditions like floods and also budget constraints. No penalties had been imposed on the contractor by the municipality for the delays. Some of the reasons given for this was that it was not the fault of the contractor. During the next audit they indicated that they would follow up on whether the municipality was able to determine whether any penalties should be imposed on the contractor. At the end of the audit this could not be determined.

AUDITOR GENERAL'S FINDINGS ON MPHUTHUMI MAFUMBATHA STADIUM (21 FEBRUARY 2023)

Project name: Mphuthumi Mafumbatha Stadium

Auditee: Winnie Madikizela Mandela

Local Employer's Agent: Municipality Dumack Engineers

Closing Date of Tenders: 23 February 2018

Contractor: IPM Plant hire JV Mozmas Trading

Contract Commencement Date: 27 April 2018

Planned contract Completion Date: 26 May 2021

Planned Contract Duration: 36 Months

Revised Completion Date: The project is still in progress

Original Contract Amount: R53,768,483.44

Revised Contract Amount: R64,518,679.57

Variation Orders: R10,750,196.13

Expenditure as at October 2022: R61,881,310.93.

Certain items which should have been included in the original scope of the project required a variation order. The approval of the variation order complied with the relevant legislation and is required for the completion of the project. Not all items in the variation order increased the costs of the project. This variation order had items which increased the costs and also had items where the costs had decreased due to revision of some of the scope. The variation order is the net effect of this.

They were able to verify that all goods and services paid for were delivered and this did not result in material findings. An invoice from a subcontractor is to be obtained prior to final payment for project expenses to the main contractor to be retained for record keeping purposes as it will contain detailed itemisation. The AG indicated that this will be followed up in the next audit, as it was not provided for audit. Should this invoice not be submitted in the next audit, it may result in a limitation. At this stage, only provisional payments have been made, which is allowed. A difference was identified on one invoice between the invoice and payment amount of R171,739. This amount was not material for purposes of the audit report and did not have to be reported in the audit report. On Performance Information audit, they audited the material information reflected in the annual performance report. The municipality had correctly disclosed that the project has not been completed with reasons for the non-achievement as required. The project is still in progress, so additional work will be performed in the 2022-23 audit to confirm the full project cost. The Auditor General indicated that they appreciated the relationship PARI and OZA had established further strengthening the relationship between civil society and independent public audit institutions to ensure accountability in the public sector.

CHAPTER 4:
Lessons Learned

Embarking on a social accountability capacity-building programme comes with complications. Firstly, while it is assumed that there is a linear approach that should be followed through the stages of implementing social audits to derive a qualitative and rigorous outcome for communities, this can take different directions depending on the local politics, the formation of civic movements and community activism.

Although the introduction of workshops played a key role in exposing local communities and activists to social accountability in Ntabankulu, establishing social audit committees took longer than we had anticipated. On the other hand, community activists in Matatiele Municipality already had a strong network of local activists who came together to form a collective and were able to reach a consensus on establishing a social audit committee in ward 23, eager to conduct a social audit on the Fobane Water scheme. Unfortunately, due to organisational changes that occurred in OZA in the period June to August 2022, these changes had a negative impact on the further rollout of the social accountability project. During this period, we were notified that OZA projects were being reviewed and put on abeyance for three months. This impacted the capacity-building support programme for newly established social audit committees Matatiele and Winnie Madikizela Mandela Municipality, who were prepared to advance towards mobilising their communities to implement their social audit plans. This tells us about the way in which local civil society in rural-based municipalities are highly dependent on capacity-building support from well-resourced organisations such as OZA in order to effectively sustain the momentum of initiatives pertaining to social accountability activities.

Secondly, there are often assumptions made about how the participatory nature of social accountability bridges the gap between the state and society, by bring communities and local government officials together to reinforce internal and external accountability. The findings revealed that this may not always be the case. Since social accountability activities are pursued outside the 'invited' participation spaces of local government, such activities have the potential to threaten the legitimacy and authority of local government officials and political representatives. These participatory processes are also initiated outside legislated 'invented' participation spaces of local government, where councillors and officials have very little control over the agenda and rules of engagement. The case of converging councillors, communities, unelected community leaders and activists under one roof for the training workshop in Ntabankulu also demonstrated how this can lead to conflict when elected political representative may feel ambushed by communities who criticise their inability to enact their oversight role in service delivery. Although councillors equally benefitted from the workshop, there still

remained a relationship marked by tensions, mistrust and hostility between communities and the elected officials.

Assumptions about the independent and insulated nature of local civil society organisations from the state and local politics have been once again challenged through this research. This highlights the issue of layered political contestations that arise when members of civil society immerse themselves into local party politics while trying to engage in civic activism. In practice, local informal civil society members are often entangled in local party politics, which means that local politics can influence the way in which local informal civil society is able to mobilise community members in support of initiatives that seek accountability and transparency from the state. This is because community leaders and activists, who are drawn into social audit committees that fall under informal civil society organisations, are not insulated from the every-day politics of their communities that are soiled with patronage politics and the spoils system of the ANC. This also contributes to overlap and unclear boundaries between the state, informal civil society and community, where the participation of local elites becomes central to reinforcing the spoils system. When this occurs, social audit committees can become paralysed by local politics, particularly where gatekeepers who have linkages with local elites play a central role in reshaping the social accountability agenda using power and their political influence.

This is one of the challenges that was observed at Winnie Madikizela Mandela Municipality when providing communities with support to prepare for their PAIA submission regarding the construction of the stadium. Resistance and pushback against co-option and cohesion by political leaders becomes a salient characteristic that we see during the process of initiating social accountability — right from the inception stages of accessing information. The delayed PAIA response from the municipality and refusal for communities to access the stadium led to communities resorting to protest action to exert pressure on the municipality. Lack of cooperation from municipal officials was found to be common during the social audit processes. Social audits across cases appear to show challenges in cooperation and the lack thereof. The Centre for Democracy and Good Governance (2011) also noted that civil society organisations in countries such as Kenya and India also had to navigate around the lack of cooperation from government officials who tend to refuse to share information relating to the project being audited.[41] In some cases, communities and social auditors would encounter threats from officials for pointing out irregularities. As we have seen in this research, this lack of cooperation and resistance from the municipality also does cause delays in the implementation of social accountability, which alters the linear processes of developing social audit activities.

Thirdly, the role of the AG in developing relationships with civil society has proven to be most valuable in this research, particularly at a time of limited access to

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41 Centre for Enhancing Democracy & Good Governance (2011) 'The CDF Social audit report: A community verdict', Vol 2 Nakuru and Rongai Constituency (online) https://cedgg.org/ [Accessed 6 February 2023].

information. While the AG is on a path of developing relations with civil society organisations in the different provinces and local government, it was important that we provide them with first hand insight and experience into the complex process of working with informal civil society formations (social audit committees) in rural local municipalities at local government level. Again, for informal civil society to effectively derive value from building relationships with formal public audit institutions, organisations such as OZA and PARI, which already had established linkages with the AG, become crucial in facilitating that relationship. The ongoing engagements that OZA and PARI had with the AG from 2021-2023 also contributed to the way in which the AG understood accountability from a socioeconomic perspective. The language of the AG began to shift from 'internal compliance' towards a 'citizen-centric' approach in accountability. For the AG, this partnership was a learning experience and exposure to the complex nature of informal civil society operations in the different spheres of the state and thus enabling them think about the risk factors in pursuing this relationship.

In conclusion, the main contribution made from this case study is in adding to the growing body of literature on the dynamics of social accountability from below in rural-based municipalities, which consists in demonstrating and explaining how non-cooperation from municipal officials and externalities of local politics and the patronage trap into which social accountability initiatives are likely to fall, wherein official institutions and accountability demarcations are undermined and political networks of patronage and clientelism can intercept 'invented' spaces established for non-partisan social accountability. This can complicate and compromise social accountability.

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