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DECENTRALISATION AND ENGENDERING DEMOCRACY: LESSONS FROM LOCAL GOVERNMENT REFORM IN SOUTH AFRICA

Jo Beall

Crisis States Research Centre, LSE

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Jo Beall

Crisis States Research Centre, LSE

Abstract

Localisation and decentralization are frequently presented as good for women. However, the reality is not so clear-cut. Local government is in an ambiguous position. It is the part of the state closest to society and as such has the potential to engage most effectively with women. However, informal systems and institutional relationships, many of which are deeply patriarchal, also cut across local government. Drawing on the experience of democratic reform in South Africa, which is invariably held up as an example of good practice in advancing gender equity in governance, the paper points to some of the paradoxes of engendering decentralisation and governance at the local level. Local authorities in South Africa are relatively weak but are nevertheless repositories of not insignificant power and resources. The paper shows first how competing interests remain clustered around local government in ways that tend to exclude women. Particularly important here is the role of traditional authorities in local government. Second, and perversely, it is demonstrated that it is also at the local level that women in civil society are organising most vigorously and effectively. This is because the neoliberal policy framework that frames decentralisation in South Africa has adversely affected household incomes and services that are important to women. Third, the paper suggests that South African women do not have as secure a footing in local government structures as in other tiers of government. It concludes that the engendering of local governance constitutes a fundamental litmus test of the success of women's political representation and access to and involvement in public office.

Since South Africa's transition to a liberal democracy, government efforts to advance gender equity have been held up as a beacon of good practice across the world. However, South Africa's experience of democratic reform has demonstrated that local government poses immense and particular challenges for advancing gender equity and increasing women's representation in politics. Given the careful attention paid to women's representation and the strong showing of women in the national parliament and the cabinet, this article asks why the South African government has been prepared to risk its celebrated reputation on the back of a relatively desultory performance in relation to women and local governance. A twofold argument is advanced. First, in South Africa there are a number of factors that operate against women-friendly local government, exacerbated by the legacy of apartheid policies. These include the lasting impact of colonial patterns of local government; the local legacy of political violence during the anti-apartheid struggle that affected women in gendered ways; and the continued salience of traditional authorities in local decision making and resource allocation, particularly in relation to land. Thus even in a best-case scenario such as South Africa, local level processes of democratisation that sustain a commitment to gender equity are difficult to achieve.

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Second, the paper makes the case that the close association between decentralisation and neo-liberal policies, particularly in relation to cost sharing, has weakened the position and undermined the interests of women in South Africa. The paper concludes that contrary to conventional thinking, women face greater obstacles to political engagement at the local than at the national level. Nevertheless it also points to local politics as the site where new forms of post-apartheid collective action are emerging in South Africa.

Decentralisation and Engendering Democracy

From the mid-1980s countries throughout the world began experimenting with some form of decentralisation, early examples in sub-Saharan Africa being Ghana, Nigeria, Tanzania and Zambia.¹ By the mid-1990s, 80 per cent of countries, all with very different political dispensations, were engaged in some form of decentralisation.² Whether understood in an administrative sense,³ as a policy framework “in which public goods and services are provided primarily through the revealed preferences of individuals by market mechanisms”,⁴ or in relation to an explicit democratising function:⁵ decentralisation has become one of the core components of political conditionality in international development cooperation.⁶ While the decentralisation agenda is heavily donor-driven, disenchantment with bloated central bureaucracies and kleptocratic national states is not confined to international development agencies. Across the political spectrum decentralisation has been favoured as a mechanism for improving accountability and transparency, and for improving state-society relations. In other words, strengthening local government has been justified not only as a means of making government more efficient, but as a way of increasing democratic participation.⁷

Decentralisation nevertheless has its sceptics. Heller points out that there are no *a priori* reasons why more localised forms of governance are necessarily democratic, and suggests that under some contexts decentralised authority can be quite pernicious.⁸ The most obvious example of this is indirect rule under colonialism, when local despots in the service of an imperial power exercised decentralised authority. Localised forms of governance offer no improvement on central government when bureaucratic control is unreasonably extended, or when problems of affordability are provoked by the rapid marketisation of public services. Moreover, local government has the potential for elite capture, can tend towards pork-barrel politics or more pragmatically, might not have the human or financial resources to cope with the demands made upon it by decentralisation strategies.⁹ In fact, it has been pointed out that

¹ Diana Conyers, ‘Decentralization: The Latest Fashion in Development Administration?’ *Public Administration and Development*, 3 (1983), pp.97-109.

² Richard Crook & James Manor, ‘Democratic Decentralization’, *Operations Evaluation Department Working Paper*, Washington D.C.: World Bank, 2000.

³ Dennis Rondinelli *et al.*, ‘Decentralization in Developing Countries: A Review of Recent Experience’, *World Bank Staff Working Paper*, 581 (1983).

⁴ Dennis Rondinelli *et al.*, ‘Analysing Decentralization Policies in Developing Countries: A Political-Economy Framework’ in *Development and Change*, 20 (1989), p.59.

⁵ James Manor, *The Political Economy of Democratic Decentralization*, Washington D.C.: The World Bank, 1999, p.5.

⁶ World Bank, *World Development Report: The State in a Changing World* Oxford & New York: Oxford University Press, 1997.

⁷ Patrick Heller, ‘Moving the State: The Politics of Democratic Decentralization in Kerala, South Africa and Porto Alegre’, *Politics and Society*, 29:1 (2000), pp.131-163.

⁸ Heller (2001).

⁹ Joel Samoff, ‘Decentralization: The Politics of Interventionism’, *Development and Change*, 21 (1990), pp.513-530; Frans J. Schuurman, ‘The Decentralisation Discourse: Post-Fordist Paradigm or Neo-liberal Cul-de-Sac?’

there is little empirical evidence to support or refute the efficacy of decentralisation.¹⁰ Local government has an ambiguous and perhaps even contradictory role. On the one hand it is undoubtedly part of the state, but on the other hand it can appear as a relatively autonomous sphere of government that is close to if not part of civil society. As such, achieving effective local governance is crucial to the project of democratic decentralisation.

As with decentralisation, the term ‘governance’ can be used in either a technical or political sense. At its simplest it refers to the relationship between government and citizen, but there are two ways in which the concept ‘governance’ is used to describe this relationship. The first relates to sound administration and management of public resources, while the second and broader definition also includes a concern with democratic politics. The latter is the approach adopted here, seeing governance not so much as a set of functions as an expression of power between state and civil society understood as two sides of the same coin. For example, Stoker says that the “essence of governance is the interactive relationship between and within government and non-governmental forces”.¹¹ Both perspectives inform the arguments of those who see local governance as particularly important for women. For example, the International Union of Local Authorities has argued in their position paper on women in local government that:

From a gender perspective local government is the closest and is the most accessible level of government to women. Local governments traditionally provide services utilized by individual households such as electricity, waste disposal, public transport, water, schools, health clinics and other social services. The decisions of local governments therefore have a direct impact on the private lives of women, because they are traditionally responsible for providing for and caring for the family and the home in many countries. Women also have important and unique contributions to make to the development and appropriate management of these services. They must be fully part of the local democratic system and have full access to the decision making structure. Until the interests of women have been represented at the local level, the system is not fully democratic.¹²

The reasons why local politics are thought to be easier for women are well rehearsed. Evertzen sites them as follows:

... because eligibility criteria for the local level are less stringent, and local government is the closest to the women’s sphere of life, and easier to combine with rearing children. It can be the first level that women can break into and as such it may serve as a springboard to national politics, by developing capacities and gaining experiences. Likewise local politics can be more interesting to women as they are well acquainted with their community, being the major users of space and services in the local community (water, electricity, waste disposal, health clinics, and other social services). They also participate actively in

European Journal of Development Research, 9:1 (1997), pp.150-166; David Slater, ‘Territorial Power and the Peripheral State: The Issue of Decentralization’, *Development and Change*, 20 (1989), pp.501-531.

¹⁰ Jean Paul Faguet, ‘Does Decentralisation Increase Government Responsiveness to Local Needs? Evidence from Bolivia’, *Journal of Public Economics*, 88 (2004), pp.867-893; Manor (1999).

¹¹ Gerry Stoker, ‘Public-Private Partnerships and Urban Governance’ in J. Pierre (ed.), *Partnership in Urban Governance: European and American Experience*, Basingstoke: Macmillan, 1998, p.38.

¹² IULA, *Policy Paper on Women in Local Government*, New York: International Union of Local Authorities, 1998, p.1.

organisations in their neighbourhood, and it's easier to involve these organisations in formal political decision making at the local level.¹³

These same factors have been marshalled in support of decentralisation as a route towards enhancing gender equity. For example, there are expectations that decentralisation will make service delivery more gender sensitive through the proximity of locally-elected representatives to their constituents. The latter, in turn, will ensure better understanding of the gender dimensions of service requirements and community needs. Efficiency arguments also point to the efficacy of women's community level engagement, where their contribution is seen as an asset in ensuring effective local planning and management.

While the ideal of democratic decentralisation does hold out promise to women, ideal conditions rarely prevail. Manor has pointed out that the limited evidence available on the impact of decentralisation on women "offers only modest encouragement" as prejudices against women are often more strongly held at local than at higher levels.¹⁴ One of the reasons for the disappointment of local government for women is that it is particularly responsive to informal institutions, systems and relations of power, rather than formal rules and procedures. This serves to advantage men because women's historical exclusion from local government means that they do not have access to the same kinds of networks and are less experienced and adept than men at developing them. Thus one of the reasons why local government is less productive for advancing women's rights than is often expected is because the informal institutions in which local governments are often embedded are hostile to women. This is demonstrated and confirmed by the experience of South Africa, particularly in relation to traditional authority systems, which remain deeply patriarchal yet centrally implicated in the exercise of local governance.

Women and Local Governance in South Africa

Shortly after coming to power in 1994, the ruling African National Congress (ANC) adopted a non-sexist constitution and a national strategy for advancing gender equality that placed South Africa at the cutting edge of experience in state-initiated gender policies and structures.¹⁵ As a result of the structures and procedures developed, which are in turn constitutionally enshrined, South Africa is heralded internationally as having one of the most progressive policy frameworks for improving the condition and representation of women.¹⁶ Nevertheless, South Africa's National Machinery for Advancing Gender Equality still merits critical scrutiny.¹⁷ One factor inhibiting women from taking their rightful place in a process of democratic consolidation has been the preoccupation with technocratic structures and

¹³ Annette Evertzen, *Gender and Local Governance*, Amsterdam: SNV - Netherlands Development Organisation, April 2001 at http://www.kit.nl/gcg/assets/images/Gender_and_Local_Governance.doc, p.3.

¹⁴ Manor (1999), p.97.

¹⁵ Anne Marie Goetz & Shireen Hassim (eds), *No Shortcuts to Power, African Women in Politics and Policy Making*, London: Zed Books, 2003.

¹⁶ Catherine Albertyn, 'National Machinery for Ensuring Gender Equality', in S. Liebenberg (ed.), *The Constitution of South Africa from a Gender Perspective*, Cape Town: David Philip, 1995, pp.9-22; Jo Beall, 'Trickle Down or Rising Tide? Lessons on Mainstreaming Gender Policy from Colombia and South Africa', *Social Policy and Administration*, 32:5 (December 1998), pp.513-534.

¹⁷ This is the official umbrella term used in South Africa for the various structures advancing the interests of women, including those within government such as the Office for the Status of Women, those at arm's length from government such as the Commission for Gender Equality, as well as organisations of civil society representing women to government. See Jo Beall, 'Doing Gender from Top to Bottom? The South African Case', *Women: A Cultural Review*, 12:2 (2001), pp.135-146.

procedures for engendering governance. According to Manicom, this has served to depoliticise the goal of a non-sexist democracy:

There is no question that this 'gender offensive' has resulted in a profound shift in the norms, structures, and practices of national and supranational institutions of governance. But there are questions about the application of 'gender' in governance.... Systematic 'engendering' risks standing in for feminist/gender activism.¹⁸

While 'femocracts'¹⁹ and gender technocracies can undoubtedly be problematic, they are easier to ridicule and dismantle than to put in place and hold to account. What the South African story demonstrates is that quotas and directives are important, but that they work most effectively in the context of robust advocacy and regular monitoring on the part of women in civil society.

Feminist and gender activism in South Africa has always been most effective at the local level. Even during the high point of the anti-apartheid struggle the establishment of an autonomous national women's movement remained largely elusive, while at the same time local level organisations were flourishing. However, as transition loomed, activists turned to electoral strategies to advance the position of women and inevitably began focusing at the national level.²⁰ Women involved in the negotiation process woke up late to the strategic importance of the local level for advancing gender issues, not least because the broader focus of the negotiated transition was on the national and provincial levels. Hence the African National Congress Women's League, as well as many progressive and women's civil society organisations, tended to ignore the local level. The movement of women towards securing the national project also left local leadership depleted. Indeed, it was only through repeated lobbying on the part of one small advocacy organisation (the Gender Advocacy Programme) that the Commission on Gender Equality eventually took up the importance of women's representation in local government.

Following the first non-racial democratic elections in 1994 and during the early transitional period, government strategies in relation to women's representation in politics were sorely neglectful of the local level.²¹ The interesting question is why a government that had its international reputation so closely bound up with its stellar performance on human rights and advancing gender equity, would risk this reputation on the back of a desultory performance in local government? I attempt to answer this question in the following sections by looking at women's access to, presence in and influence over local governance and decentralisation in South Africa.²²

¹⁸ Linzi Manicom, 'Globalising "gender" in – or as – Governance? Questioning the Terms of Local Translations', *Agenda*, 48 (2001), p.11.

¹⁹ A term used to describe women who go into government and become 'bureaucratized' at the expense of a women's constituency and to the neglect of gender interests.

²⁰ Shireen Hassim, "'A conspiracy of women': The women's movement in South Africa's transition to democracy", *Social Research*, 69:2 (Fall 2002), pp.693-732; and 'Representation, Participation and Democratic Effectiveness; Feminist Challenges to Representative Democracy in South Africa', in Goetz & Hassim (2003), pp.81-109.

²¹ Jennifer Robinson, 'Act of Omission: Gender and Local Government in the Transition', *Agenda – Empowering Women for Gender Equity*, 26 (1995), pp.7-18.

²² Anne Marie Goetz, 'Women's Political Effectiveness: A Conceptual Framework', in Goetz & Hassim (2003), pp.29-80.

Access of Women to Local Government in South Africa

At the time of the negotiated settlement in South Africa attention was firmly focused on achieving control of the central state and on the nature of provincial government, with a fierce battle ensuing between those opting for and against a federalist system.²³ The Local Government Transition Act (Act 209 of 1993) defined a three-stage process for the restructuring of local government. Elections were held for transitional local councils in 1995/96,²⁴ which allowed for some continuity of delivery until the second phase of local government reform was launched. The councils were established by Local Government Negotiating Forums comprising, on a fifty-fifty basis, former local authority personnel (mainly white) and new interest groups previously excluded from the apartheid structures (mainly black). While this did much to broaden the access, presence and influence of formerly disadvantaged groups, women were not well represented on the Local Government Negotiating Forums, which in turn were not well attuned to gender issues. By the mid-1990s, and following the poor showing of women in the 1995/6 elections, women began to find their voice and to organise around local government representation. To the extent that progress was made, this was largely the result of pressure coming from women in civil society, notably from the Cape Town-based advocacy organisation, the Gender Advocacy Programme.²⁵ Having been convinced by this organisation, the Commission for Gender Equality embarked on its campaign to increase the representation of women in local government and to ensure that government became more responsive to women's voices in the run up to the 2000 local government elections. The then Minister of Local Government, Valli Moosa, was responsive and as a result, when the third and final phase of local government was instituted through the 2000 elections, women were better represented.

Nevertheless, local government remained a contested affair long after South Africa's 'rainbow nation' was firmly established at the national level. A number of factors served to retard progress. Democratising sub-national tiers of government was bound to be more awkward given South Africa's history as a country divided spatially along racial and ethnic lines, most obviously and keenly felt at the local level. On the administrative side, South Africa suffered from a surfeit of racially-divided institutional structures deriving from the former Bantustans, or so-called 'self-governing states', set up under apartheid. These had to be dismantled and merged. A further complicating factor was the absence of any effective local government in rural areas outside of the former white areas. Here governance had been largely in the hands of traditional leaders who had been used by the apartheid regime to run the rural areas along lines similar to the colonial system of indirect rule. Through this they had amassed considerable local level power, albeit within the constraints of apartheid policies and structures, and they were keen not to see this dissipate under a new dispensation. It is not surprising, then, that the initial efforts towards instituting local democracy were fiercely contested by traditional authorities.

²³ Richard Spitz & Matthew Chaskalson, *The Politics of Transition: A Hidden History of South Africa's Negotiated Settlement*, Johannesburg: Witwatersrand University Press, 2000.

²⁴ The first round of local government elections took place in two stages because the contestation over municipal boundaries and the form of local government was so fierce and protracted in KwaZulu-Natal that the process was delayed in that province.

²⁵ Likhapha Mbatha, 'Democratising Local Government: Problems and Opportunities in the Advancement of Gender Equality in South Africa', In Goetz & Hassim (2003), pp.188-212; Mirjam van Donk, 'Local Government: A Strategic Site of Struggle for Gender Equity', *Agenda – Empowering Women for Gender Equity*, 45 (2000), pp.4-12.

The first step was the establishment of the Municipal Demarcation Board, set up by the Municipal Demarcation Act (Act No. 27 of 1998) following the first round of local government elections in 1995/96. The demarcation process, which redrew municipal boundaries across the country, aimed at achieving uniformity in local government structures on the basis of cohesive physical and environmental areas, sustainable service delivery, financial viability within functional boundaries and administrations, and the potential for redistribution of functions and resources. Although presented as a technical exercise, the demarcation process was also an intensely political one, concerned first and foremost with overcoming the legacies of apartheid planning and racially-skewed resource distribution.²⁶ A major point of contention involved the role of traditional leaders who resisted new boundaries that traversed or incorporated traditional authority areas.

Second, the Local Government Transition Act did not provide much guidance on the constitution of local government councils in rural areas, and it was left to provincial government to decide on what form of rural local government was most appropriate. The result was that traditional leaders were able to entrench their powers over a relatively lengthy period of transition.²⁷ This allowed them to extend their already considerable influence at local level, and to fight any challenge by the new local government structures to their customary authority, particularly in relation to control over communal land. Opposition to the various stages of local government reform from the *amakhosi* (traditional leaders) in the province of KwaZulu-Natal was particularly strong, rendering the process extremely volatile. For example, during the demarcation exercise, although consultations took place between the Board and every tribal authority in the province, sometimes this could only take place under the protection of the army.²⁸ The point here is that negotiations were dominated by two patriarchal structures, male hereditary chieftainship and the military.²⁹

Represented by the Congress of Traditional Leaders of South Africa and supported by ethnically-based political parties such as the Inkatha Freedom Party with its primarily isiZulu-speaking and strong traditional authority following in KwaZulu-Natal, traditional authorities began to challenge other aspects of local institutional reform. Between the first and second local government elections, in 1995/96 and 2000 respectively, this resulted in a stand off that saw the Minister of Provincial and Local Government, Sidney Mufamadi, postponing the announcement of the second local government election date three times. It was eventually set for 5 December 2000, after traditional leaders accepted an undertaking from President Thabo Mbeki to act on proposals to preserve their powers and functions in the new local government structures.³⁰ However, Mbeki did not give in to their demand for 50 per cent representation on elected local councils because this would have irked those within the ANC and opposition parties such as the Democratic Alliance, who believed that hereditary leaders could not expect the same rights as democratically elected representatives and that they should not be allowed to hold the government to ransom. Nevertheless, he did increase their participation in local councils from ten to 20 per cent. Mbeki appeared

²⁶ Jo Beall *et al.*, 'Traditional Authority, Institutional Multiplicity and Political Transition in KwaZulu-Natal, South Africa', *Crisis States Working Paper*, 48, London: Crisis States Research Centre, London School of Economics, July 2004a. The demarcation process reduced the number of municipalities from 843 to 284 (Cheryl Goodenough, *Traditional Leaders, A KwaZulu-Natal Study 1999 to 2001*, Durban: Independent Projects Trust, 2002, p.40).

²⁷ Mbatha (2003), p.191.

²⁸ Beall *et al.*, 'Navigating Tradition: Traditional Authorities and Governance in eThekweni Metropolitan Municipality, South Africa', *International Development Planning Review*, 26:4 (November 2004b), pp.423-442.

²⁹ There are a few female chiefs or regents but this is the exception rather than the rule.

³⁰ Goodenough (2002), pp.50-52.

untroubled about placating traditional leaders, who after all fitted well with his Africanist agenda, despite the contradictions in terms of the constitutional rights of women and the implications for them of local governance dominated by traditional structures. Issues affecting women's strategic interests include poor access to rural community structures because of control by traditional leaders, the upholding of customary marriage laws and women's poor inheritance rights under these, as well as restricted access to communal land.³¹

In terms of administrative decentralisation, the government has sought to involve traditional authorities in developmental local government, particularly in rural areas where there were no alternative structures in the past. For example, being added to existing traditional councils and tribal courts are new government-sponsored traditional development centres, dubbed 'traditional' because they are set up under the aegis of local chieftaincies and in coordination with traditional structures of governance. Some of these are already underway and are functioning as one-stop shops, serving as pension payout points, satellite offices for the Department of Home Affairs, sites for mobile clinics, providers of HIV/AIDS awareness services and small business development advice. At the launch of the Mpumzu Traditional Development Centre, in KwaZulu-Natal, the Provincial Traditional Affairs Member of the Executive Committee *Inkosi Nyanga Ngubane* said that the traditional development centres represented a shift in the way traditional communities related to local government and a transformation of local governance structures so that they were "more accessible to a greater number of people in the traditional authority areas".³² While taking information, communication and services to people in deep rural areas is undoubtedly a good thing and of potential benefit to women, it is ironic that non-elected, patriarchal appointees dominate the level of government closest to the people. Thus the elevation of hereditary chieftainship to a privileged and protected position within local governance has seriously compromised rural women's access to, and influence on, local government.

The Presence of Women in Local Government in South Africa

Southern African Development Community (SADC) governments recently committed themselves to ensuring women occupy at least 30 per cent of the positions in political and decision-making structures by the year 2005.³³ This percentage is based on a recommendation by the 1990 United Nations Commission on the Status of Women;³⁴ and on the basis of international experience is thought to give rise to a sufficient critical mass for women to make a difference. When there are only a few token women they find it more difficult to take up women's issues, but when there are more women in government then women's issues enter the agenda and get taken more seriously by parliaments, councils and committees. The 30 per cent target falls short of the global 50-50 campaign launched by the Women and Environment Development Organisation in 2000, but governments in Southern Africa have gone further in meeting these targets than in many other regions of the world, apart from Scandinavia, despite having started from a much lower base.³⁵ In South Africa the

³¹ Shamim Meer (ed.), *Women, Land and Authority, Perspectives from South Africa*, Cape Town: David Phillips Publisher, 1997.

³² *Natal Witness*, 28 August 2003.

³³ SADC Gender Monitor, 'Thirty Percent Women in Power by 2005', *Gender Monitor*, Dar es Salaam, Harare & Maputo: Women in Development Southern African Awareness (WIDSAA), Southern African Research and Documentation Centre, 1999.

³⁴ UNDP, *United Nations Human Development Report 1995*, New York: United Nations Development Program, 1995.

³⁵ Gender Links, *Ring up the Changes, Gender in Southern African Politics*, Johannesburg: Gender Links, 2004.

proportion of women in the national parliament stood at 30 per cent until the recent elections in 2004, when it went up to 32.8 per cent, putting South Africa ahead of other Southern African countries and ranking it eleventh in global league tables. Success has been due largely to the commitment of the ANC towards women's representation through reserving a proportion of its electoral list for women under the proportional representation system that has operated at national and provincial government level since 1994. Thus the increased representation of women in the 2004 national elections is most likely attributable to the enlarged majority of the ANC.

The showing of women was at first less illustrious at the local level. Following the 1995/96 local government elections, only 19 per cent of councillors were women, resulting in heavily male dominated local councils.³⁶ Some of the issues described in the previous section were no doubt contributory factors towards this comparatively lacklustre outcome. Other factors included the fact that for local government a ward system runs alongside proportional representation. This system accounted for only 40 per cent of seats, and within it even the ANC was not prepared to use its full 30 per cent quota for women in its local government electoral list.³⁷ However, by the 2000 elections, the organised voice of women was stronger, with the result that women constituted 28.2 per cent of local government councillors. This was largely the result of the Municipal Structures Act of 1998, which included guidelines, stating that "every party must seek to ensure that 50 per cent of the candidates on the party list are women and that women and men candidates are evenly distributed through the list".³⁸ The legislation also provides for equal representation between women and men on the Ward Committees, something fought for by the Gender Advocacy Programme and other organisations and considered to be a significant victory at the time. While these were guidelines and not a statutory requirement, the ANC nevertheless increased its quota of women to 46 per cent at the local level. Other parties also instituted a local quota, notably the Democratic Alliance, the Inkatha Freedom Party and the African National People's Organisation.³⁹ Moreover, the increased proportion of women local councillors was achieved by electing a number of women as ward candidates, so women did not only enter local government through the proportional representation system. This shows the extent to which women representatives are coming to be accepted at the local level in South Africa, although performance across the country is patchy. Table 1 indicates the progress that was made in South Africa between the two local authority elections in 1995/96 and 2000 respectively. The deficiencies of the ward system for women are particularly apparent in the statistics for KwaZulu-Natal where patriarchal traditional authorities remain strong. Here, while 34.3 per cent of seats for women were achieved through the party list, women occupied only 12 per cent of ward seats.⁴⁰ More generally across the country Mbatha has pointed out that:

These figures represent a significant shift in party political commitment to increasing the number of women on their electoral lists, although the reluctance to front women as candidates in the ward seats remains a barrier to women's effective participation and to the development of strong relationships between women councillors and their constituencies.⁴¹

³⁶ Robinson (1995).

³⁷ Mbatha (2003), p.190.

³⁸ Item 11(3) of the Municipal Structures Act No. 117 of 1998, cited in Mbatha (2003), p.194.

³⁹ David Pottie, 'Women and Local Government: By the Numbers', *Update*, 9 (2 April), Johannesburg: Electoral Institute of Southern Africa, 2001, p.3.

⁴⁰ Pottie (2001), p.5.

⁴¹ Mbatha (2003), p.196.

Although the proportional representation system works in favour of women, it is suggested that a mature democracy should be able to field elected women candidates at ward level as well. After all, being accountable to a generic constituency of women 'out there' is different from being directly accountable to actual women constituents on the ground. In this the local level is perhaps in advance of other tiers of government in terms of ensuring women's real political presence.

Table 1: Women councillors in South Africa

Source: Adapted from the Independent Electoral Commission (Pottie, 2001).

Province	Category A: Metropolitan councils	Category B: Local municipal councils	Category C: District councils
Eastern Cape	29	292	40
Free State	-	156	22
Gauteng	172	104	16
KwaZulu-Natal	50	305	35
Mpumalanga	-	224	26
North West	-	206	25
Northern Cape	-	111	12
Northern Province	-	222	30
Western Cape	61	91	9
Total (2272)	312 (29.7%)	1745 (27.4%)	215 (29.4%)

The Influence of Women on Local Government in South Africa

Women's advocacy on local government issues in South Africa has been highly influenced by debates on the politics of collective consumption.⁴² This preference for organised struggles around access to housing, infrastructure and services is hardly surprising given the influence of these debates on the gender literature concerned with urban development,⁴³ and the influence of struggles around such collective consumption goods on early and more recent thinking about gender and development in South Africa.⁴⁴ Under apartheid, many women in the civic movement were involved in struggles against high rents and service charges. Mobilisation around service delivery and goods of collective consumption has persisted into the post-apartheid era. This was to be expected, given the need to extend infrastructure and services from investment in former white middle class areas towards

⁴² Manuel Castells, *The Urban Question*, Cambridge, Massachusetts: MIT Press, 1976; Patrick Dunleavy, *Urban Political Analysis*, London: Macmillan, 1980.

⁴³ Caroline O. Moser, 'Gender Planning in the Third World: Meeting Practical and Strategic Gender Needs', *World Development*, 17:11 (1989), pp.1799-1825; Caroline O. Moser & Linda Peake (eds), *Women, Human Settlements and Housing*, London & New York: Tavistock Publications, 1987.

⁴⁴ Jo Beall *et al.*, "'A Bit on the Side'?: Gender Struggles in the Politics of Transformation in South Africa', in *Feminist Review*, 33 (1989), pp.30-56; Mirjam van Donk, 'Local government's Role in Realising Gender Equality: From Policy to Practice', in Susan Parnell *et al.* (eds), *Democratising Local Government, The South African Experiment*. Cape Town: University of Cape Town Press, 2002.

investment in former black townships and informal settlements.⁴⁵ By continuing to press for affordable housing, water and electricity connections, contemporary civic organisations, which are often dominated by women, are explicitly inserting a distributive agenda into local politics.⁴⁶

Although women's influence on local government reform and decentralisation has been comparatively slight, these have been strategic organisational sites for them.⁴⁷ In its review of the first ten years of democracy, even the South African Government had to admit that "[h]ousing, land redistribution and other services also show significant improvements in gender bias, although the majority still go to male-headed households".⁴⁸ An area where local government has particularly failed women is in relation to the land and women's rights over its allocation and use. The Rural Women's Movement has ensured that distributive issues such as access to, and control over, land are kept at the forefront of women's political agenda,⁴⁹ but women's influence in this arena has nevertheless been scant.⁵⁰ Land remains a national government competence and did not devolve to local government, a factor in no small measure due to communal land being a major faultline running through government and traditional authority relations.⁵¹ The Communal Land Rights Act, for example, was dogged by controversy and strongly opposed, but was finally passed in late 2003. It states that land administration functions and powers – including the power to own, administer allocate and register land rights – must be performed by 'traditional councils' where they exist (Section 22(2)).

The Traditional Leadership and Governance Framework Act went through parliament at the same time as the Communal Land Rights Act, and provides for traditional councils to operate within and alongside other local government structures. Section Three of the Act states that 'traditional communities' must establish these councils, which in turn must comprise "traditional leaders and members of the traditional community selected by the principal traditional leader concerned in terms of custom". Where the old tribal authorities exist, established under apartheid in terms of the Bantu Authorities Act of 1951, they are simply being converted into traditional councils. What this means, in effect, is that legislation introduced in the 21st Century will give perpetual life to old apartheid institutions, in the name of preserving tradition.⁵²

⁴⁵ Jo Beall *et al.*, *Uniting a Divided City, Governance and Social Exclusion in Johannesburg*. Earthscan, London, 2002; David McDonald & John Pape, *Cost Recovery and the Crisis of Service Delivery in South Africa*, London & Pretoria: Zed Books & HSRC Publishers, 2002.

⁴⁶ Cynthia Cockburn, *The Local State*, London: Pluto Press, 1997; Robert A. Dahl, *Who Governs?* New Haven: Yale University Press, 1961.

⁴⁷ Van Donk (2000).

⁴⁸ RSA, *Towards a Ten Year Review. Synthesis Report on Implementation of Government Programmes*, Pretoria: Policy Co-ordination and Advisory Services (PCAS), The Presidency, Republic of South Africa, 2003, p.83.

⁴⁹ Hassim (2002); Cheryl Walker, 'Agrarian Change, Gender and Land Reform: A South African Case Study', *UNRISD Social Policy and Development Programme Paper*, 10, Geneva: United Nations Research Institute for Social Development, 2003.

⁵⁰ See also press statement by National Land Committee, 'South African Women Unite in Struggle for Land', 15 October 2001; *Sunday Times*, 15 February 2004.

⁵¹ Ben Cousins, 'Common Property Institutions and Land Reform in South Africa', *Development Southern Africa*, 12:4 (1995); and 'Controversy and Consensus in South Africa's Land Reform Programme', Panelist's response to moderator's statement for the Regional Workshop on Land Issues in Africa, Kampala, 29 April – 2 May 2002.

⁵² Cheryl Walker, 'The Limits to Land Reform: Reviewing "The Land Question"', Paper presented at the Workshop on Faultlines of Crisis and Sites of Stabilisation in South Africa, University of the Witwatersrand, July, 2004.

Given the inevitable negative impact on women of these two Acts in combination, there may be some weight to the argument that the joint effect of the bills is anti-constitutional. In the name of modernising if not democratising traditional structures, the Traditional Leadership Bill insists that one third of the 'traditional community' must be women and that of this one third, 25 per cent have to be elected by the community. The bill states that all traditional councils must adhere to this within the space of four years, but there are no clear provisions or safeguards as to how women should be elected and no sanctions if there is a failure to comply. What this amounts to is one step forward and three steps back for women in the context of structures dominated by non-elected men who owe their position to a hereditary principle. To the insult of a desultory performance in ensuring women's representation in local government has been added the injury of reducing their influence on the institutions that stand between them and access to critical resources such as land and services. In spite of collective action on the part of the Rural Women's Movement and the Landless People's Movement, therefore, women's access to, and control over, resources remain elusive, prevented above all by that level of government that is 'closest to the people'.

Another area where government policy has been disadvantageous to women is in relation to service delivery. Through its Growth, Employment and Redistribution Programme, South Africa embraced a surprisingly orthodox neo-liberal policy agenda that has influenced in no small regard its approach to decentralisation.⁵³ National government became enchanted with the managerial potential of decentralisation giving rise to a plethora of technocratic procedures that were institutionalised without sufficiently sustained attention being paid to local level representation and participation. Moreover, as McDonald and Pape have argued, decentralisation was accompanied by cutbacks in central government allocation to local authorities, rendering the market logic more pressing.⁵⁴ Unfunded mandates for expanded responsibilities have made cost recovery and reduced investment in services almost inevitable, with a devastating impact on poor citizens. Cut-offs have been employed, both in respect of individual households that cannot afford services and as a more widespread strategy to punish whole communities for non-payment, even extending in some cases to service providers ripping out infrastructure.⁵⁵ This stands in stark contrast to the scenario of local government envisaged by the Gender Advocacy Programme in its commentary on the White Paper on Local Government:

Local Government is the level of government closest to the people. It has particular importance for women, because of its responsibility for the delivery of goods and services that impact directly on the necessities of social reproduction, a sphere in which women have disproportionate responsibility. Its direct interface with the community puts Local Government in a unique position to understand the contextual dynamics that shape and regulate women's lives. Through its location Local Government has the potential to contribute to greater gender equity.⁵⁶

On the contrary, local government appears to have been put in the unique position of "dumping on women", as suggested by Samson in her important study of the adverse effects

⁵³ Beall *et al.* (2002).

⁵⁴ McDonald & Pape (2002), p.5.

⁵⁵ David McDonald, 'No Money, No Service', *Alternatives Journal*, 28:2 (2002), pp.16-20, p.17.

⁵⁶ GAP, *Local Government and Gender, Towards Engendering the White Paper*, Mowbray, Cape Town: Gender Advocacy Programme, 1997, p.24.

on women of privatising solid waste management in South Africa.⁵⁷ Ironically it has been argued that solid waste management is the service area that most improved between 1996 and 2001.⁵⁸

Some local authorities have met the challenges of poverty reduction and service delivery better than others. Extending network infrastructure and household services to previously disadvantaged communities has also been ‘the pre-eminent social development strategy of the municipalities that were democratically elected in 1995/1996’.⁵⁹ However, a disaggregated view shows that some have been far more effective than others in delivering to their constituents. According to official government statistics, the proportion of households that have access to clean water has increased from 60 per cent in 1996 to 85 per cent in 2001. Electricity connections over the same period increased from 32 per cent to 70 per cent. Between 1994 and 2003, 1,985,545 housing subsidies were approved and almost half a million houses built in the apartheid era were transferred to their occupants through a discount benefit scheme. With regard to improving gender equity in housing ownership, almost half of all subsidies approved were granted to women.⁶⁰ Nevertheless, there are differences between rural and urban areas, as well as across different services and different levels of service. Moreover, although the number of serviced households has increased across the board, access to some services and levels of services has declined in absolute terms. This is usually in cities with the fastest growth in population and in the number of households, where municipalities have found it difficult to keep pace with need.⁶¹

The implications of inadequate services for women are considerable. When a household’s services are cut off because of non-payment, it is the women of the household who have to cope with the consequences. When services are shared in common, for example communal taps or toilets, it is usually women who take responsibility for their maintenance and cleaning. Indeed, in Johannesburg it was found that struggles over shared services proved to be the single most important factor in propelling people out of accommodation in backyard shacks in formal township houses and into the more difficult physical conditions of informal settlements.⁶² The importance of formal housing in well-served areas as a means towards alleviating the burden of domestic chores cannot be over-estimated.⁶³

Engendering Democratic Decentralisation

There are a number of opportunities within local governance structures and processes that can advance democratic decentralisation, particularly on behalf of women. South Africa has two of the key ingredients for successful democratic decentralisation. First, decentralisation within the context of a weak state is unlikely to succeed. South Africa has a strong national state and robust inter-governmental coordination. Despite this, central government is not unusual in tending to see political control and patronage as a zero-sum game, with more

⁵⁷ Melanie Samson, *Dumping on Women: Gender and the Privatisation of Waste Management*, Johannesburg: South African Municipal Workers’ Union (SAMWU), 2003, at <http://www.qsilver.queensu.ca/~mbspadmin/> last accessed 14 February 2004.

⁵⁸ SACN, *The State of South African Cities – 2004*, Johannesburg: South African Cities Network, 2004, p.79.

⁵⁹ SACN (2004).

⁶⁰ RSA (2003), pp.24-25.

⁶¹ SACN (2004), p.80.

⁶² Jo Beall *et al.*, ‘Victims, Villains and Fixers: The Urban Environment and Johannesburg’s Poor’, *Journal of Southern African Studies*, 26:4 (2000), pp.803-855.

⁶³ Jo Beall & Alison Todes, *Cities*, 21:4 (2004), pp. 301-310.

power to the local level being equated with less for the centre. Second, decentralisation works best when it encounters a vibrant and well-organised civil society that can identify and engage effectively with policy makers. This South Africa can also boast. Local community organisations, trade unions such as the South African Municipal Workers Union and the Anti-privatisation Forum, which represents poor and unemployed people who cannot afford service charges and who survive without services only with difficulty, have been challenging the Growth, Employment and Redistribution policy and the consequences of a managerial and technocratic approach to decentralisation that falls short of genuine democratisation. Accompanying such responses has been a stirring among women at the local level, often in response to inadequate service delivery or affordability issues related to water supply and electricity.⁶⁴

Among the strategies available for engaging local government from outside state structures, have been the campaigns of the Anti-Privatisation Forum such as Operation Khanyisa, whereby electricity is illegally reconnected; and Operation Vulamanzi, which involves the breaking of prepaid water meters, allowing water to flow freely. The Forum has never advocated non-payments of services, even though many of their members cannot afford them. Non-payment of services is a hardy perennial within the repertoire of South African collective action, dating back to the heady days of anti-apartheid opposition in the 1980s and early 1990s. Hence moving beyond a boycott strategy represents an advance in political strategy, particularly in an unequal country where some level of cost recovery is necessary for redistribution to take place. Moreover, cut-offs of water and electricity constitute a draconian response that is particularly hard on women, inevitably impacting on social reproduction. From late 2002, women members of the Anti-Privatisation Forum began meeting as women, and the Forum ran a number of workshops on gender issues. The commitment remains but the momentum has been difficult to sustain because, according to one Forum activist interviewed, “we have been caught up in other things as an organisation, and as activists have been spread very thinly”.

Women have also held government to account by working within statutory processes and structures. An important example here is the recent decision by the Centre for Applied Legal Studies, along with a number of women’s organisations, to take the Communal Land Rights Bill to the Constitutional Court. Local government legislation also provides for civil society organisations to be able to work within the structures and processes of what is called ‘developmental local government’. Legislation, including the Municipal Systems and Structures Act and the Local Government Transition Act (Second Amendment) requires the preparation of Integrated Development Plans. The new urban planning framework requires local authorities to develop Integrated Development Plans as strategic plans that are linked to the budget and to municipal responsibilities such as environmental protection and local economic development. These in turn are supposed to be connected to priorities identified by communities. One of the requirements is that residents participate in developing priorities for their areas, but as demonstrated by a detailed case study of the participatory planning that accompanied informal settlement upgrading in the informal settlement of Diepsloot near Johannesburg, participation by, or on behalf of, all residents in an area is not guaranteed.⁶⁵

⁶⁴ Sarah Mosoetsa, ‘The Legacies of Apartheid and Implications of Economic Liberalisation: A Post-Apartheid Township’, *Crisis States Working Paper*, 49, London: Crisis States Research Centre, London School of Economics, July (2004).

⁶⁵ Beall *et al.* (2002), p.129.

Another problem with the process of developing Integrated Development Plans is that municipalities found it difficult to incorporate the multiple, and often contradictory views that citizens expressed; and following the initial energy that surrounded the first integrated development planning process, enthusiasm swiftly waned on the part of local officials and local authorities. Now opportunities for participation have to be fought for more vigorously both within, and on behalf of, community-based organisations. Even an assessment of the first Integrated Development Plans produced in the city of Johannesburg suggests that ‘incorporating residents’ contributions to policy, programmes and projects is far from satisfactory’.⁶⁶ Within these early experiences of integrated planning, gender issues tended to get lost as multiple local priorities were aggregated upwards into a plan. For gender issues not to get lost in this way requires not only that women are active within civil society, but also capacity building within local authorities so that officials understand the gender dimensions of local government responsibilities and services and systematic incentive structures to encourage good practice on their part.

Another area where women have been able to hold government to account is through their ‘watchdog’ role in relation to revenue and expenditure. Inspired by the experience of women in Australia, South Africa was one of the first countries to take gender budgeting seriously. The Women’s Budget Initiative was established during the 1990s, and now activists and researchers concerned with the process have taken a lead in supporting gender responsive budget initiatives in other countries.⁶⁷ Gender Responsive Budgets are mechanisms by which governments, in dialogue with other sectors, can integrate gender analysis into public expenditure policies and budgets. This does not imply a separate budget for women, but rather the political will to disaggregate expenditure according to its differential impact on women and men.⁶⁸ In South Africa, as elsewhere, gender analysis of local government budgets is not as advanced as efforts at the national level. However, there is evidence that women organised around local government issues in South Africa are teaming up with the Women’s Budget Initiative in their watchdog role.⁶⁹

Local governments have a number of sources of revenue, the main ones being rates on property and surcharges on fees for services provided by, or on behalf of, the municipality. Other sources of revenue are allowed but explicitly exclude income tax, value-added tax, general sales tax and customs duties. Although decentralisation has meant that local government is responsible for some basic service delivery, this is the responsibility of both provincial and local governments, with local government as the junior partner in the intergovernmental fiscal system.⁷⁰ While provincial governments are financed mainly through transfers from the centre, local governments are responsible for raising over 90 per cent of their own revenue. However, there is considerable variation between, at one end of the spectrum, the large metropolitan municipalities that achieve this, and at the other, small rural councils with scant fiscal capacity and a heavy dependence on national government transfers through a system known as the ‘equitable share’. As payers of rates and service

⁶⁶ Beall *et al.* (2002), p.82.

⁶⁷ Deborah Budlender, *A Global Assessment of Gender Responsive Budget Initiatives*, Report for the Commonwealth Secretariat, London, 2001.

⁶⁸ Commonwealth Secretariat, *Gender Budgets Make Cents, Understanding Gender Responsive Budgets*, London: Commonwealth Secretariat, 2001, p.1.

⁶⁹ Deborah Budlender (ed.), *The Fourth Women’s Budget*, Cape Town: Institute for Democracy in South Africa (Idasa), 1999.

⁷⁰ Roy Bahl & Paul Smoke (eds), *Restructuring Local Government Finance in Developing Countries, Lessons from South Africa*, Cheltenham: Edward Elgar, 2003, p.8.

charges, women have a right to make demands on local governments and to hold them accountable.

Some progress has been made in South Africa towards raising awareness about the impact of local government revenue and expenditure on women. This has involved informing women about local government expenditures and revenues, and advocacy for resource allocations that promote gender equality.⁷¹ The focus on local government budgets has had an interesting impact on gender budgeting itself, shifting the bias on expenditure towards greater concentration on how revenue is raised. Budlender has argued that not only are the revenue sources of local government more diverse than for national or provincial government, including, alongside inter-governmental transfers, property taxes, licence fees, tariffs for services and user charges for basic services; but they can also have a particularly adverse affect on women, as is the case, for example, with user charges, which often become women's responsibility within households.⁷² Coopoo notes for South African local government that user charges account for over half of operating budget income, although as with all sources of revenue, there are enormous differences between municipalities.⁷³ If local authorities are primarily dependent on cost recovery as a revenue source, then problems are likely to get worse rather than better for low-income women.

There are also more informal areas of local revenue collection that particularly affect low-income women. In urban areas there are licences and site fees for street traders, which, Skinner notes in respect of women street traders in Durban, constitute a significant proportion of most traders' incomes even if they seem low in absolute terms.⁷⁴ Coopoo highlights the range of local taxes that poor women and men have to pay in rural areas, including in some parts of KwaZulu-Natal a levy to the king, often without understanding why or ever seeing any benefit.⁷⁵ In urban areas in South Africa, women are more likely to be seen as taxpayers and to see themselves as such. Here the role of civil society organisations such as the Gender Advocacy Programme and women's initiatives such as the Women's Budget Initiative is important. In rural areas the challenge is greater. Customary law and traditional practice has not seen women as taxpayers in their own right, and efforts on behalf of, or by, women to ensure that revenue streams are collected and spent efficiently, equitably and in gender sensitive ways proves to be that much more difficult.

Conclusions

Local government is the tier of government closest to civil society, and as such really does hold opportunities for locally-organised women. However, the co-location of government and civil society organisations at the local level can lead to ambiguous outcomes, with access to resources and decision-making being retained by existing power holders at the expense of the advancement of women's participation. In South Africa, the intersection of the formal institutions of local government with socially-embedded institutions, such as traditional

⁷¹ Deborah Budlender, 'Women and the Local Government Budget', in Budlender (1999); Sikhander Coopoo, *Women and Local Government Revenue*, Mimeo, 2000.

⁷² Budlender (1999), p.21.

⁷³ Coopoo (2000).

⁷⁴ Caroline Skinner, 'Local Government in Transition – A Gendered Analysis of Trends in Urban Policy and Practice Regarding Street Trading in Five South African Cities', *Research Report*, 18, Durban: Centre for Social & Development Studies, University of KwaZulu-Natal, 1999, p.18.

⁷⁵ Coopoo (2000).

authority, has had a negative impact on women's prospects for democracy, and indeed, has become increasingly formalised and entrenched in law. This has lent weight to the force of patriarchal informal institutions over the hard-won rights of citizens and especially women who are prejudiced in relation to access to communal land and by virtue of the customary law upheld in traditional courts. Hence the extent to which local government and decentralisation are embedded in informal institutions helps explain why local governance rarely proves to be a magic bullet for increasing women's access to, and presence in, government as well as their influence over it. Efforts towards the institutionalisation of gender in South Africa were introduced at the same time as a deepening of neo-liberal policies. As such, the extension of services to historically disadvantaged populations came with a price tag in the form of cost recovery, and women especially have felt acutely its social impact. It is at the local level that the carbuncles of any political system are most apparent, and in South Africa it is women who feel them most painfully.

Although South African women do not so far have as secure a footing in local government structures as in other tiers of government, and while many of the policies associated with decentralisation are adversely affecting their interests, it is also at the local level that women are organising most vociferously and effectively. Their involvement in the groundswell movement opposed to privatisation and cost recovery for services is testimony to that, as is the way in which the movement is rooted in local struggles. In addition to those advocating from outside government, structures and processes do exist to work alongside and within local government, and these are constitutionally protected. Women in local communities are beginning to take advantage of these consultative and participatory processes that accompany development planning initiatives at the local level. This has been facilitated by the role of intermediary organisations, such as non-governmental organisations engaged in advocacy and service delivery. However, more needs to be done to render local government officials and councillors more aware of, and receptive to, gender issues. In time, both strategies – working within and outside the state – could animate an engendered process of democratic decentralisation in the country. However, this remains a long way off. Successful democratisation depends in part on the nature of macro-economic policy in South Africa and how this articulates with decentralisation policy. In part, it depends on whether central government and the ANC, with its resounding majority following the 2004 national elections, remain open and responsive to challenges from civil society. In this context, decentralisation and local government remain a real litmus test of South Africa's ability to engender its new democracy.

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The aim of the Crisis States Programme (CSP) at DESTIN's Development Research Centre is to provide new understanding of the causes of crisis and breakdown in the developing world and the processes of avoiding or overcoming them. We want to know why some political systems and communities, in what can be called the "fragile states" found in many of the poor and middle income countries, have broken down even to the point of violent conflict while others have not. Our work asks whether processes of globalisation have precipitated or helped to avoid crisis and social breakdown.

Crisis States Programme collaborators

In India:

Asia Development Research Institute (Patna, Bihar)
North Eastern Institute for Development Studies (Shillong)
Developing Countries Research Centre (University of Delhi)

In South Africa:

Wits Institute of Social & Economic Research (WISER)
Sociology of Work Workshop (SWOP)
Department of Sociology
(University of the Witwatersrand, Johannesburg)

In Colombia:

IEPRI, Universidad Nacional de Colombia
Universidad de los Andes
Universidad del Rosario

Research Objectives

- We will assess how constellations of power at local, national and global levels drive processes of institutional change, collapse and reconstruction and in doing so will challenge simplistic paradigms about the beneficial effects of economic and political liberalisation.
- We will examine the effects of international interventions promoting democratic reform, human rights and market competition on the 'conflict management capacity' and production and distributional systems of existing polities.
- We will analyse how communities have responded to crisis, and the incentives and moral frameworks that have led either toward violent or non-violent outcomes.
- We will examine what kinds of formal and informal institutional arrangements poor communities have constructed to deal with economic survival and local order.



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Development Research Centre,
Development Studies Institute (DESTIN),
LSE, Houghton Street, London WC2A 2AE
Tel: +44 (0)20 7849 4631 Fax: +44 (0)20 7955 6844
e-mail: csp@lse.ac.uk

