PARTB:PREPARATION

CHAPTER3INSTITUTIONALARRANGEMENTS

3.1 GETTINGTHEPROCESSRIGHT

Before taking any action regarding informal settlements it is essential to decidewhoisgoingtobeinvolved,andonwhatbasis.

Thefirsttaskistostructurethelocalauthority'smanagementofinformal settlementissuesappropriately.

However, particularly regarding informal settlement issues unilateral decisions of any kind have real potential to be unproductive and destructive.Forexample,inthiscontextitiswisetoneverthinkintermsof presentingaplantoameetingforendorsement-ratherinvitethemeeting to help prepare a plan. The shared ownership that results will be of far greatervaluethanyourbrilliantplan!

We must therefore design ways of sharing in decision-making - this is called"makinginstitutionalarrangements".

Five aspects must be considered:

- How should management be structured?
- Who should be involved?
- What should be their function?
- In what kind of a structure?
- What should be its function?

3.2 MANAGEMENT STRUCTURE

The needs of an informal settlement cover a wide spectrum of municipal activities, and the structure of the community is often fragmented. It is therefore most important that the group of local authority officials who attempt to interact with the settlement are integrated and have the support of senior management.

The "leader" or "facilitator" who heads up the team of officials should be from the Housing Department. He/she should be responsible for drawing together representatives from the other relevant branches. Together they could form the "project team" for a particular settlement. The key branches would normally be: housing, engineering services (water, sanitation, roads, cleansing, stormwater), health and electricity. Social or community services and others (*e.g.* finance) would be added when their involvement is required.

The "project leader" would be responsible for making contact with the community structures and arranging meetings to suit the availability of all parties. The respective Councillors from the area would be drawn into the meetings as well.

Ideally the project leader would have an office close to the settlement, and be available several days a week. By developing a relationship with the key service branches of the local authority the project leader should be able to respond to issues raised by the community by telephone from his/her office. Being able to communicate that easily will be much appreciated by all parties, and will lead to the development of trust between the community and the local authority - which is all-important. However, unless the project leader and the project team are given support by the respective branch heads it will be impossible to generate that trust.

3.3 PARTICIPANTS

Who should be involved?

3.3.1 Do it right, first time
It is really important to ensure that the right people are part of the process, fulfilling the right role. This must be done correctly from the very beginning - people do not appreciate being brought late into a process. Do not choose people randomly, or because they work well together - choose participants according to the principles outlined below.

3.3.2 Maintain flexibility

Even though the principles must be clearly established and acted upon, a flexible process must be adopted which allows the mix of people to change if circumstances change. If people who represent others (*e.g.* councillors) lose the position that qualified them to be participants they should probably automatically be excluded, unless they have something else to offer that is of value. On the other hand if structures within a community change it would probably be appropriate to give the new structure participation - either in addition to, or instead of, the original structure.

3.3.3 Principles of Participation

In choosing participants it is helpful to examine categories of potential role-players:

3.3.3.1 **Those who** **_must_ be involved** in decision-making because they represent the major parties in the exercise or have another important role to play. Remember the Guiding Principle of Participation (see 4.3). There may be opportunities for different levels of participation, but at this stage just list all the people or organisations that *must* be involved because of what they can contribute.

3.3.3.2 **Those who** **cannot be excluded** from decision-making processes - otherwise they could destroy the process by attacking it from outside. It is far easier to destroy a process from outside than inside. Rather include them and adapt the process to accommodate at least some of their needs. Make it more attractive for them to join than to stay out. Experience has proven that an inclusive approach is always more effective than an exclusive attitude. Remember the Guiding Principle of Integration (see 4.2).

3.3.3.3 **Those who** **would like to be involved** in decision-making, because they must live with the product. These participants may represent people or communities that are not going to benefit directly from the process, but could be affected indirectly. Examples are neighbouring communities, or representatives of the transport industry or suppliers of utilities, such as electricity.

This committee must speak on behalf of the community (at times with the Councillor, at times in spite of a Councillor). Every effort must be made to ensure that it is representative, has regular meetings and holds democratic elections for office-bearers - at least annually.

If there are repeated reports that the committee acts as a "gate-keeper" by withholding information from either the community or the local authority then steps must be taken to circumvent that by, for example, distributing/ dropping leaflets or using a radio station.

When there is a need to address both development issues and daily

operationalissues,itcouldbehelpfulifthecommitteeseparatedintotwo, toeachhandleafunction.

It is important to help the committee understand that the local authority cannot solve all the community's problems instantly. Some are the responsibility of Provincial or even National Departments. Increased interactionhelpstobuildunderstandingandtrustwithofficials.

3.3.3.4 Thosewhoneednotbedecision-makers,but **whoshouldbepresent** to play a supportive role by informing and serving the decision makers. A good product requires a good process, which requires good support in termsofinformationandaction.Notonlywouldthelocalauthorityexpect to provide support personnel - remember that the community may also require support (*e.g.* from specialist NGOs),which can be in attendance asrequiredthroughtheprocessandplayaveryhelpfulrole.

3.4 ROLES&RESPONSIBILITIES

What is expected of the participants? People must be informed about whatisexpectedofthem.

3.4.1 Representatives
Participants who are chosen as representatives must be effectively chosenbythatconstituency(perhapsbyashowofhandsatacommunity meeting), they must consult those whom they represent and obtain mandates to approve or reject issues as they arise. They must be monitoredtoensurethattheyarenotjustactingontheirownbehalf.

3.4.2 SpecialistsandTechnicians
Participantswhoarechosenbecauseoftheirtechnicalorotherexpertise must apply that resource as part of the process. Their role should be confined to the application of their expertise - and they should be given goodopportunitytodothat.

3.4.3 Thosewithparticularauthority
Invariably in this context there will be some participants who have considerably more authority than others - within formal structures. They shouldbearinmindthatinformalstructuresalsohavepeopleinauthority, andthatsuccessfulparticipationrequiresthatanapproachbeadoptedof a level playing field. A partnership of equals is likely to be far more productivethananassociationof"haves"and"havenots".Mutualrespect islikelytopromotethebuildingofrelationships,andrealfriendshipscould develop.Undersuchconditionsremarkablethingscanbeachieved.

3.5 STRUCTURES

An appropriate structure is needed as a framework within which

participation can take place. Structures must be designed to meet their objectives. Here are some examples of types of structure:

3.5.1 CommunityCommittee

This is perhaps the most essential committee of all - because it is the means by which a community is represented. It must include all parties within the community, and every effort must be made to exclude no constituency. Then it must be consulted consistently and as a whole. It would be suicidal to only consult one faction and ignore the others. This committee must be nurtured, if necessary, and helped to be as effective as possible - particularly in understanding issues and communicating effectively with the community and with any committee on which they are given representation.

3.5.2 CoordinationCommittee

Such a structure is established to keep a variety of actors in touch with each other and well-informed. It is a networking structure, not a decision-making body. A coordinating committee is essential in a complex project that involves participation by many agencies each with their own decision-making structure.

3.5.3 AdvisoryCommittee

This formulates advice, which can be used by other structures. It only makes decisions about what advice or recommendations to give. It may be an appropriate structure to manage a preliminary research programme, which would feed its product and recommendations into a Town Council and an Informal Settlement Residents Committee - which might then decide to create a joint decision-making structure for the next phase of the exercise.

3.5.4 SteeringCommittee

This guides a process, and would normally be used to decide upon policy issues that are required by operational structures. A Steering Committee could provide a policy framework in which the work should proceed, and can monitor the application of policy. It would be an inclusive committee of high-ranking representatives.

3.5.5 TechnicalCommittee

This would typically comprise only technicians and specialists, and it would act as a sub-committee of a higher structure. The technical committee would be asked to investigate or undertake something particular and to report back with its findings.

3.5.6 ProjectCommittee

This would be created to manage a project or programme, and would have the authority to make decisions within the parameters of an approval that has been granted by a higher body for its implementation and financing. The focus of such a committee would be delivery, and the resolving of any problems that interfere with delivery.

3.5.7 Sub-committee and Task Team

These are small structures with specific and often short-term responsibilities. They can be very useful for getting a job done, and can be created and terminated at any time.

3.5.8 Linked Structures

Two or more structures are often inter-linked e *.g.* a Sub-Committee may make recommendations to an Advisory Committee, which makes recommendations to a Steering Committee. Operating in the opposite direction, authority can be delegated from, say, a Project Management Committee to a Task Team.

3.6 TERMS OF REFERENCE

Every structure must have Terms of Reference - it is like a constitution that describes the essential details of the structure. Terms of Reference must be understandable to all the proposed participants and must be recorded in writing.

Terms of Reference for a new structure must first be agreed upon by whichever persons or bodies authorise the establishment of the structure and thereafter by all of the members of the new structure.

Terms of Reference would contain:

- Some explanation of the background or context to the establishment of the structure. This is often called a "Preamble".
- A statement of the "Purpose" of the structure.
- A description of the "Composition" of the structure - details of how the membership of the structure is to be selected. This could include provisions for other people to attend meetings.
- Details of how the "Proceedings" must be managed - how often it will meet, who will be the chairperson, how will decisions be made and implemented and who will fulfill the secretarial functions.
- Details of when and how the committee will be terminated.

An example of a "Terms of Reference" is shown below.

3.7 EXAMPLE OF TERMS OF REFERENCE

TOWN COUNCIL OF.....................
"NEW TOWN" IMPROVEMENT PROJECT STEERING COMMITTEE
TERMS OF REFERENCE

1. PREAMBLE

The Town Council has agreed to investigate the possibility of improving conditions and opportunities for the residents of the informal settlement of "New Town" and to work with representatives of that community, as well as other interested and affected parties, towards creating an appropriate

strategy.

2. PURPOSE
ThepurposeoftheSteeringCommitteeistocallforresearchand technicalinvestigationsintothepossibilitiesofimprovingconditionsand opportunitiesfortheresidentsof"NewTown",toconsidersuchreports andtoproposestrategies,projectsandprogrammesforapprovalbythe TownCouncil.

3. COMPOSITION
TheCommitteeshallcomprise:
- ThreecouncillorsnominatedbytheTownCouncil;
- Sixrepresentativesofthe"NewTown"community,chosenbythe communityonaninclusivebasis;
- At least three officials of the Town, representing responsibilities for at least town planning, civil engineering, housing and communitydevelopmentfunctions.
- A facilitator, appointed by the Town Council with the support of communityleadership.

4. PROCEEDINGS
TheCommitteeshallcomprise:
- TheCommitteeshallmeetmonthly.
- The Committee shall appoint a chairperson, which appointment shallbereviewedevery.....months.
- The Committee may appoint sub-committees for specific purposes.
- .... shall provide the secretarial service for the Committee,whichshallincludethepreparationanddistributionof notices,agendasandminutes.
- TheCommitteeshallendeavourtomakedecisionsbyconsensus.
- Decisions of the Committee shall be implemented by ....
- TheCommitteeshallbeterminatedbyagreementofamajorityof membersorontheinstructionoftheTownCouncil.

N.B. Establishyourstructurewiththoughtandcare-anddon'tsetsail
until
everyoneisonboard!