

The People Shall Govern: Public Participation Beyond Slogans

Deliberations of the International Conference on Public Participation

Hosted by the Gauteng Provincial
Legislature Johannesburg 2012



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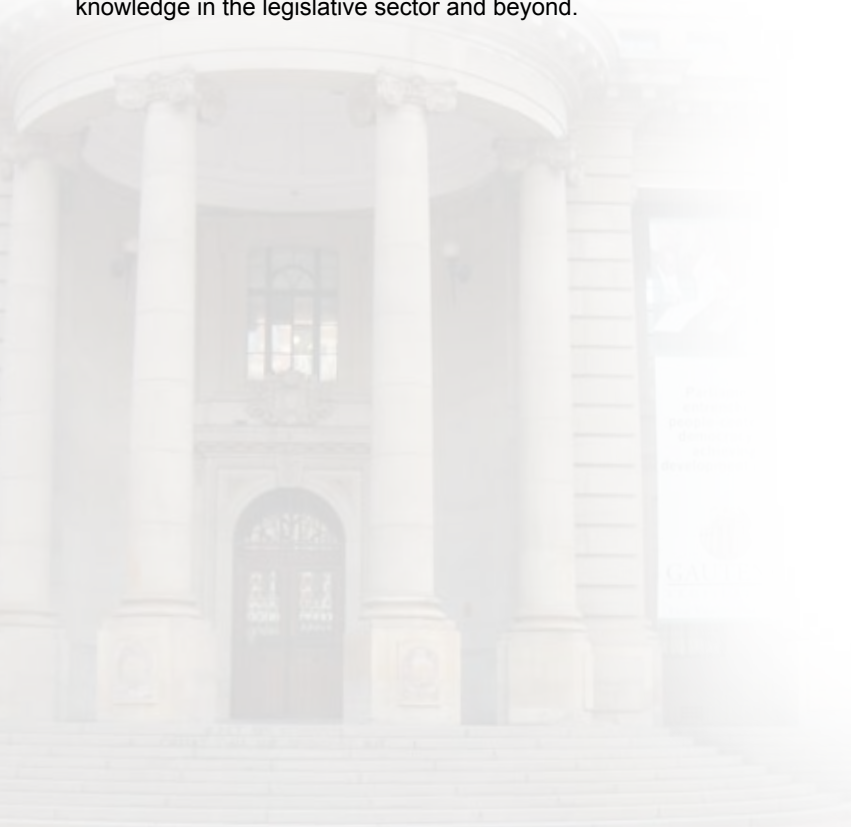
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Acknowledgements

The Gauteng Provincial Legislature (GPL) would like to acknowledge and thank all the stakeholders that contributed to the achievement of this publication, including the GPL leadership and the national and international plenary presenters who set the scene for the contributing papers in this publication. The presenters published in this compilation are also acknowledged for their sterling work that will contribute to the sharing of knowledge in the legislative sector and beyond.



Disclaimer

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Only selected papers are included in this compilation. PowerPoint presentations that were submitted without full papers have been excluded, but are accessible through the GPL website: www.gpl.gov.za.





Foreword

The involvement of the people in the decision-making processes of legislatures is critical to ensure that government is responsive to the needs of the people. The people's right to participate and influence governance processes is embedded in the Constitution of the Republic of South Africa (1996). It is against this background that the Gauteng Provincial Legislature (GPL) has enforced a culture of public participation in all its oversight processes. Thus the GPL developed and adopted a Public

Participation Strategy that guides and informs public participation in all the work of the institution.

The idea of mainstreaming public participation in all operations of the institution is the driving force behind the implementation of the strategy. The concept of mainstreaming public participation and devising strategies to achieve this was deliberated at a landmark Birchwood Conference on Public Participation hosted by the GPL in July 2006, in Boksburg, South Africa. This conference was followed up by a workshop that sought to further explore strategies for mainstreaming public participation.

The GPL has been progressively spearheading various initiatives to enhance public



participation in the Gauteng Province. These include the initiation of the Children's Parliament in 2011, as well as conducting other sector parliaments targeting previously disadvantaged groups such as the Women's Parliament and the Parliament for Persons with Disabilities. Taking the Gauteng Legislature to the people initiatives have also been pioneered through successfully conducting the annual report oversight processes and the Petitions Inquiries processes across the communities of Gauteng.

To further explore new developments pertaining to public participation, the Gauteng Provincial Legislature hosted an International Conference on Public Participation in Emperors Palace Johannesburg, South Africa, on 29 February to 2 March 2012. This conference was a follow up on the Birchwood Conference; to share experiences on the implementation of the Birchwood resolutions, as well as sharing both national and international perspectives on best-practices for public participation. Papers on various dimensions of public participation were presented by Speakers from national, regional and international government, academic and civil society organisations. The Gauteng Provincial Legislature has thus compiled the body of knowledge shared at the conference into this publication. The publication is therefore intended to further disseminate the information imparted at the conference to the legislative sector worldwide and to contribute to the existing body of knowledge and insights on current trends, developments and best-practices in public participation.

A handwritten signature in black ink, appearing to read 'Lindiwe Maseko', written over a faint background image of a building.

Lindiwe Maseko
Speaker of the gauteng provincial legislature.



Hon. Lindiwe Maseko: Speaker of the Gauteng Provincial Legislature, providing an opening address at the Public Participation conference.

Opening address

Salutations, welcome and acknowledgement of all in attendance

I am greatly honoured to be part of this important gathering and profoundly humbled to be asked to speak to all of you about the rationale behind the conference, the objectives and the envisaged outcomes.

The conference takes place at a time when the world is undergoing major shifts or unparalleled experiences of one form or the other. At the centre of these developments is the case for people's power and the function of representing the interests of people in governance processes. Firstly, we are witnessing an unprecedented crisis of global



capitalism that is sweeping through Europe and impacting on the governance processes in countries such as Portugal and Greece. We have seen how the responses of these affected governments to the crisis have had an adverse impact on the participation of people in governance matters. For example, we have seen how the people of Greece rejected and opposed the austerity measures implemented by their government in response to the crises. The exclusion of people in key decisions of government, particularly on matters of direct interest to the citizens, will in most cases, result in popular uprisings like the ones we have witnessed in Greece.

Secondly, we have witnessed the so called "Arab spring", wherein the people of the Middle East countries took to the streets to demand the removal of the government leaders that, in their view, were not representing their interests.

The events above and many other major conflicts around us, particularly in our continent, have something to do with the lack of efficient mechanisms for public participation in governance matters.

In South Africa, the conference takes place just over a month after the African National Congress, the ruling party in the Country, celebrated 100 years of selfless struggle for freedom and democracy. The ANC was formed in 1912 and became an important player during the process of organising the Congress of the People (C.O.P) wherein more than 3000 South Africans of all races, background and different political affiliations convened at Kliptown, Soweto in 1955 over two days to draw up the Freedom Charter.

The Congress of the People was not a single event but a series of campaigns and rallies, huge and small, held in houses, flats, factories, kraals, on farms and in the open to solicit the views of people on the kind of society they wish to live in. This level of organisation for mass participation and an all-embracing effort in developing a vision for our country has no match in history. It is regarded as public participation par excellence!



It is worth noting here that the underlying principles of the Freedom Charter have since influenced the spirit of the South African Constitution.

The first clause of the Freedom Charter, namely, “The People Shall Govern” is going to be the central theme throughout discussions in this conference. We are seeking to come out of this conference with a clearer sense of how this demand can become a practical reality for all South Africans; beyond it being a slogan.

The Gauteng Provincial Legislature (GPL) has since 1994 been progressively increasing the space for people of Gauteng to participate in the processes of law making and oversight. Organisations representing different sectors in society, experts and ordinary people have been involved in public participation programmes of the GPL such as public hearings to express their views on pieces of legislations; committee meetings to make inputs on various matters being considered by committees; submitted petitions to raise their concerns with service delivery challenges; and participated in sector parliaments for youth, women, children, people with disabilities, the elderly and workers.

In addition, the Committees of the GPL have held meetings in various communities of the province and provided those communities with an opportunity to express their views on various governance matters

We have engaged stakeholders along the way to seek their views on how best to involve them in the Legislature process. One such engagement was the historic public participation national conference held at Birchwood Hotel in 2006 wherein more than 500 delegates representing broad sectors of the society participated in deliberations to define the parameters of public participation in South Africa. The outcomes of



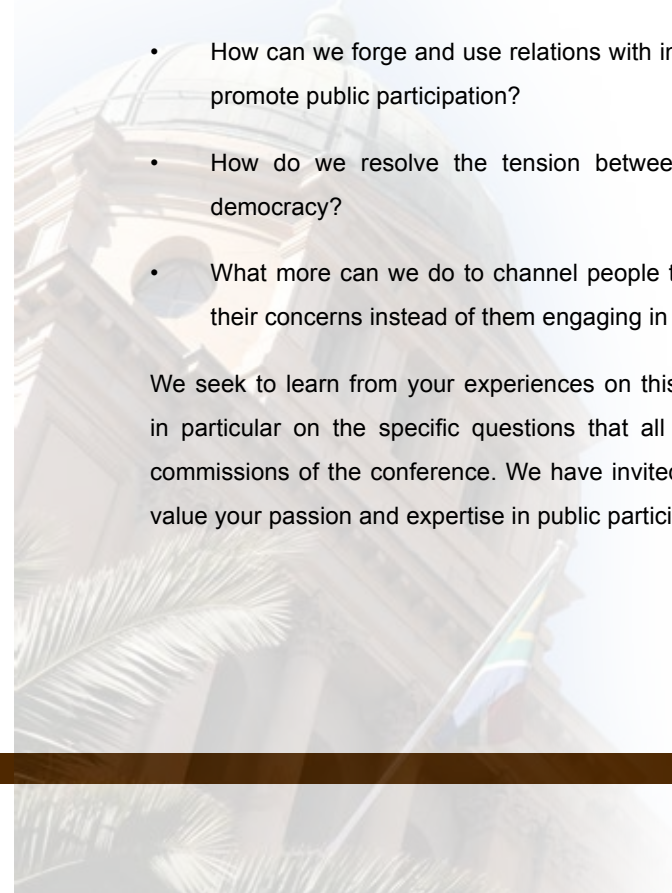
this important gathering have since informed the public participation programmes of legislatures in South Africa.

As we convene here today, six years after the Birchwood conference, we are asking ourselves important questions about the road we have travelled so far and furthermore asking the question, “what more can be done”?

For example:

- How do we infuse the spirit of citizen’s involvement and responsibility amongst young people using school curriculum?
- How can we forge and use relations with institutions Supporting Democracy to promote public participation?
- How do we resolve the tension between participatory and representative democracy?
- What more can we do to channel people to use our petitions system to raise their concerns instead of them engaging in protests that often turn violent?

We seek to learn from your experiences on this matter of public participation, and in particular on the specific questions that all of you will deliberate upon in the commissions of the conference. We have invited all of you here today because we value your passion and expertise in public participation.





Aims and Objectives

The main aim of the conference is to share key insights and knowledge on how to improve citizens' involvement and participation in governance processes. The conference also seeks to benefit the legislative sector, through a conscious effort to build a body of knowledge on public participation and civic education.

The specific objectives of the conference are to:

- Build a body of knowledge to benefit the legislative sector,
- Strengthen public participation strategies in governance processes,
- Share knowledge and skills required to facilitate meaningful public participation,
- Bridge the existing gap between theory and practice,
- Invest in public participation initiatives in governance processes and
- Enhance the role of legislatures/parliaments in facilitating public participation.

Rationale for the Chosen Theme

The theme of the conference is **“The People Shall Govern: Public Participation beyond slogans”**. This theme is based on the Freedom Charter clause that states thus:

The People Shall Govern!

Every man and woman shall have the right to vote for and to stand as a candidate for all bodies which make laws.

All people shall be entitled to take part in the administration of the country;

The rights of the people shall be the same, regardless of race, colour or sex.

All bodies of minority rule, advisory boards, councils and authorities, shall be replaced by democratic organs of self-government.

The conference theme is therefore inspired by the vision of creating a democratic



order that is characterised by popular participation and collective self-empowerment by all the people of South Africa. Democracy for ordinary citizens must not end with formal rights and periodic one-person, one-vote elections. Without undermining the authority and responsibilities of elected representative bodies (Parliament, provincial legislatures, local government), the democratic order we envisage must foster a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens and facilitate direct democracy. In this regard social movements and Community Based Organisations are a major asset in the effort to democratise and develop our society.

The Envisaged Outcomes of the Conference

The conference intends to untangle some of the knotty challenges relating to public participation in all governance processes. It provides a window of opportunity to theorise and explore different ways and mechanisms of meaningful citizen involvement in governance processes.

The outcomes of the conference will assist all public participation practitioners and leaders of governance processes to take the involvement of people in governance to a higher level.

I wish to thank all of you for making time to travel from all over the world in order to attend this conference. Our deepest gratitude cannot be expressed through words but we will forever be grateful for your presence and for all the ideas, knowledge and information you are going to share with us.

I declare the PPP Indaba to be officially open and wish all of you happy deliberations.

Thank you



Dr. Sydney Mufamadi: University of Johannesburg, South Africa

Keynote Address

Salutations:

- Program Director, Honourable Uhuru Moiloa.
- Madam Speaker of the Gauteng Provincial Legislature, Hon. Lindiwe Maseko.
- Speakers and representatives of our Provincial Legislatures.
- Esteemed guests from home and afar.

Introduction

It is the purpose of the conference to pay attention to one of the issues which are crucial to the process of facilitating our country further towards the pinnacle of democracy:

“Public Participation” is an umbrella concept for the various ways in which the people are mobilised to interact with their public representations and other full-time practitioners of state craft, in order to achieve specified societal goals.”



The participation of the people in matters of government range from registering to vote, participating in the actual voting, holding public representatives to account for their work, and from time to time, helping to frame the parameters of the work to be done by public representatives.

My brief interaction this morning is pivoted on: the Freedom Charter (FC) of 1955, the Constitution of the Republic of South Africa of 1996 and the people as citizens.

Freedom Charter

In 1955, the COP assured in the Freedom Charter that:

“Only a democratic state based on the will of the people, can secure to all their birth right without regard to colour, race, sex or belief...All people shall be entitled to take part in the administration of the country... (and that) all bodies of minority rule, advisory boards, councils, and authorities shall be replaced by democratic organs of self-government”.

When you engage this quotation closely, the following conclusions present themselves as self-evident:

- The drafters of the FC were reacting to a potential system that was geared to exclude the majority of the population from the national political arena. To this majority, channels of political access were closed, as a matter of deliberate government policy.
- The FC visualises a system of government that commits to voluntary and deliberate interaction with the aspiration of the people.
- In my estimation, the FC of 1995 is to the narrative of democracy in South Africa, what the Peace of Westphalia of 1648 is to the narrative of the modern state. Whereas the Peace of Treaty of Westphalia codified solutions to the problems revealed in the thirty years (of 1618-1648), the Freedom Charter codified solutions to the problems of colonialism and apartheid. This makes the FC central to the discourse of democratic governance in South Africa.



- It is important to bear in mind this context in which the FC was conceptualised and adopted. This was during an era of popular mobilisation whose aim was to turn moral outrage into effective resistance. The people were mobilised around a cause which spoke to their collective aspiration for legitimate representative and redistributive or just governance.

The Constitution of Republic of South Africa of 1996

Now I turn to the Preamble of the Constitution of the RSA, of 1996 reads thus:

*“We the people of South Africa;
Recognise the injustices of our past;*

*Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country;
and*

*Believe that South Africa belong to all who
live in it, united in our diversity;*

*We therefore through our freely elected representatives,
adopted the Constitution as the supreme law of the Republic
so as to heal the divisions of the past and establish a society based on
democratic values, social justice and fundamental human rights;*

*Lay the foundations for a democratic and open society in...
government is based on the will of the people and
every citizen is equally protected by law;*

*Improve the quality of life of all citizens
and free the politicians of each person and;*

*Build the united and democratic South Africa able to take
a rightful as a sovereign state in the family of nations.”*



A few things to say about the Constitution:

- The Preamble which I have just read out places makes our Constitution on a monument that celebrates the visionaries **who envisioned our democratic present. It fully embraces the vision that was unveiled in 1955.**
- This Constitution serves as an **invitation card** inviting all South Africans in their diversity, to undertake the delicate task of building a new nation.
- Like the Freedom Charter, the Constitution speaks to the intertwined narratives of the state – **provision of security, representation and welfare**. To that end, it sees people engaging in a process of popular consensus-building, which gives them a stake in policy-making as well as in the implementation of policy and other instruments of government.
- It also mandates the promulgation of laws which provide the framework for the creation of the social space in which a human rights culture can flourish into the future.

People as Citizens

- As citizens we must know that we are **not guaranteed good governance**. We must demand it – and **participating in public affairs** is an **indication of our public interest**.
- By extension, citizens must also realise that the type of leadership we get is merely a reflection of the standards that we as the community set I.O.W; the establishment of a firm foundation of informed public spirited citizens must be established as a way of helping to elevate the quality of political leadership that is given to us, the citizen.



- This means that **public participation** must be seen as platforms on which public representatives teach the people as they, in turn, learn from the people.
- This indeed, brings the idea of **civic education** into sharp focus. As I said earlier, public representations and the generality of the population alike, must internalise the fact that they are **lifelong students of civic education**:
 - o Civic education should cultivate the capacity of the population to hold their public representatives **accountable**.
 - o It must instantiate a political norm that makes public representatives responsive to public **yearnings for ethical leadership**. It must seek to produce public representatives who understand that their only existential **purpose** is to use state power to better the life conditions of our people.
- We must always be vigilant and be ready to combat any signs of **political inertness** in the population. For a population that is politically inert is a danger **unto itself and to the fate of our democracy**.
- **SIGNS of inertness**:
 - o Reduction in the rate of voter participation,
 - o Non-participation in the public hearings inducted by legislatures locally, provincially and nationally,
 - o The displays of disinterestedness in things like reports of the NPC, and so on.
- We must not make light of these signs; maybe early signs of a counter platform by some, to opt out of a relationship with the state.
- Not only must the structures and the systems of government have the ability to detect these signs, but also they must have the reflexes to respond to the situation.



Conclusion

- As a system, **participatory democracy in SA** is both **novel** and **relatively recent**, though with intimations going back to 1955.
- We are at a stage in the era of democratisation and transformation when the task of **building a sound state – society relationship** is a work-in-progress.
- Our contemporary task is to turn the narratives of the FC into the lived experience of our people. It is a task that cannot be passed on to future generations. It must be performed and perform it we must.



Cultural dance on Africa Day 2012

Chapter One



Chapter One

Public Participation International Best Practice



Input on 'The People's Budget Process

Exploring how The People's Budget Coalition (PBC) has Utilized the Civil Space Provided or Claimed to Emerge with People-Centred Budget Proposals.

Presented by Ms Fundi Nzimande: COSATU, Johannesburg South Africa

Introduction

The PBC is a national initiative that has sought to utilise participatory budgeting to champion the interests of the poor. Participatory budgeting is a creative approach to budget decision-making that was initiated in 1989¹ by the city of Porto Alegre after the ascendance of the Workers' Party to power. "When the Workers' Party assumed the Office of the Mayor in Porto Alegre in 1989, they encountered a bankrupt municipality and a disorganized bureaucracy. During the first two years of their administration, the government experimented with different mechanisms to tackle the financial constraints, to provide citizens with a direct role in the activities of government, and to invert the social spending priorities of previous administration. Participatory Budgeting was born through this experimental process."² After (and possibly during) these experiments it expanded rapidly to other cities in Brazil between 1990 and 1995), then to other Latin American and European cities between 1995 and 2000. In 2000 there were very few European cities who had adopted the participatory budget process; but by 2005, about 50 European local governments had started such an experiment.

Participatory budgeting had a presence in France, Germany, Italy and Spain. Lately there has been a development of participatory budgeting in Britain, Poland, and Portugal. There are indications that Belgium, Norway, and Sweden might adopt this method of participatory budgeting. (Sintomer et al, 2005 cited in the UN-HABITAT, **Participatory Budgeting in Africa-a training companion**, 2008). "Currently, therefore, participatory



budgeting's expansion is global and exponential in African, eastern European, Asian and North American cities due to the support of several international cooperation agencies.¹⁵

There is no denying that budgets are an extremely important tool in promoting higher economic growth, more jobs and reducing poverty. These are important economic and social policy considerations, given South Africa's historical legacy of apartheid that deliberately sought to exclude the vast majority of people from political and economic participation. In this context, financial allocation of resources, the process of deciding how money should be allocated and monitoring whether the money allocated has been spent or not becomes critical when you have an unemployment rate of 40%; just under half of the population living under poverty and substantial increase in the levels of inequality.

From a gender lens, the issue of the pervasive and endemic nature of women's vulnerability to poverty, poor access to education and skills, poor access to resources, disease and ignorance is also an important issue for consideration in deciding how money is allocated.

A budget process can be extremely disempowering when used by conservative elements, particularly when it becomes an exclusionary event for those who have technical knowledge of the budgeting process. An exclusionary budget process is intended to obscure transparency and deny ordinary people the right to participate. The formation of the Peoples Budget Coalition (PBC) was intended, amongst many other principles, to challenge the dominant paradigm intended to exclude ordinary people and civil society from active budget participation.

What is the Peoples Budget Coalition (PBC)?

The Peoples Budget Coalition (PBC) was formed in 1999 by the Congress of South African Trade Unions (COSATU), South African NGO Coalition (SANGOCO) and the South African Council of Churches (SACC). Deepening progressive civil society



participation within a new democratic state meant many of the common economic and social policy positions held by coalition partners could be channelled through one voice – the Peoples Budget Coalition.

The main aims and objectives of the PBC are to enhance public participation and monitoring of the national budgetary process, widen the parameters of debate on economic and social policy in South Africa, and to use the People's Budget as a tool for mass mobilisation and action. To do this, the PBC aims to increase the effective use of the budget as an instrument for reconstruction and development and specifically to ensure that the budget is planned and allocated in such a way that it meets the basic needs of the poor, that it leads to the creation of decent jobs, that the majority of people are assisted to get access to basic services and skills, and that it supports democratic and participatory governance.

The National Labour and Economic Development Institute (NALEDI) manages and coordinates the work of the Coalition in addition to providing research support.

In summary, the PBC was officially launched in November 2000 to achieve the following objectives:⁴

- Stimulate a much broader national debate on economic and social policy
- Produce an annual document that proposes alternative macroeconomic policies through identifying spending priorities that meet the needs of poor households as well as suggest ways of financing additional spending
- Make the budget process more democratic by working for strong and effective money bill amendment powers for parliament and by promoting grassroots advocacy so that people could make their concerns known to government officials
- Discuss spending proposals with parliament, cabinet, the ministry of finance and provincial officials



- Analyse policies announced at key stages in the budget cycle such as the Medium Term Budget Policy Statement (every October) and the Budget Speech (Every February)

The Strategies and Tactics Used by the PBC

The PBC uses a combination of strategies and tactics to fulfil its mission. It uses research and documentation; communication and publicity; education and capacity building; lobbying and policy advocacy; joint campaigning as well as alternative participatory methods e.g. boycotting.

The PBC conducts research to inform its annual publication known as, *Civil Society Speaks* (CSS). The CSS contains PBC budget proposals for each forthcoming year and it helps to document the PBC's budget proposals. This document is made available to the PBC partners and key role players in budget formulation.

The PBC produces media statements to communicate its stand on issues relating to the budget. The PBC is now seen as a key commentator on budget matters as one of the most consistent civil society formations working on the budget to date. As a result of this in October and February the PBC releases its reaction to the Medium Term Expenditure Framework and the Budget Speech respectively and is often called upon to speak on its expectations and reactions by media institutions.

The PBC uses the civil spaces provided in the constitution and a range of legislation to lobby for a more transparent, more accountable and a pro-poor budget process and product. The PBC uses joint campaigning such as in the case of the BIG campaign where it joined forces with other CSOs, academics to push for a common agenda.

The PBC has also used alternative participation models such as a boycott of parliamentary processes for an extended period during Trevor Manuel's time. This was

as a result of its campaign which started at its inception in 2000. From this time it had been at the forefront of a campaign for legislation that will enable Parliament to amend Money Bills as provided by section 77(2) of the Constitution of the Republic, thereby allowing for public engagement with the budgetary process. This was very critical as the budget submitted to parliament at this time could only be subjected to questions of clarity and no substantive changes could be made to the MTEF, Fiscal Policy or the budget itself by parliament. It was for this reason that the PBC had undertaken its boycott of parliament.

An Assessment of the Impact of the PBC

Gains of the PBC

The PBC has never really been well-funded, even in times when dedicated funding for the PBC was sourced from abroad; however it has achieved really significant gains for an organization working on a shoe-string budget, without dedicated staff during most of its lifespan. These gains are listed below as follows:

- The PBC was able to publish a detailed response to the South African government's MDG report.
- The PBC developed, together with NALEDI, a training manual titled "Fighting Poverty in South Africa: A Reader for Civil Society".
- The PBC published a booklet entitled 'Civil Society Speaks' (CSS) of PBC spending proposals every year.
- The PBC publishes responses to the National Budget and MTBPS every budget cycle, presents these to the media, takes part in television and radio interviews as well as presents its views to the Joint Budget Committee in Parliament.
- An expansionary budget from 2001 and a counter-cyclical budget which helped minimise the impact of the international economic crisis and the recession on the poor is one of the victories claimed by the PBC, notwithstanding work done by other CSOs and organizations.



- Movement towards a comprehensive social security system for South Africa.
- Extension of the child support grant (CSG) to 18 year olds during this MTEF period.
- Introduction of the National Health Insurance (NHI).
- Improvement to public transport in the major cities.
- Notable though minor policy shifts in economic and industrial policy.
- Improvement in basic service delivery such as water and electricity.
- Gender conscious and child-friendly budget proposals- access to policing and security, access to education, CSG etc.
- PBC Training manual for the building of the capacity of provincial and local trade union leaders and CSO leaders on participatory budgeting.
- Training of TU leaders and CSO leaders in selected provinces on participatory budgeting.
- Research for spending proposals and on the impact of budgeting on the lives of ordinary people.
- The adoption of the Money Bills Amendment Procedure Act (2008) in accordance with section 77(2) of the Constitution, which was a long-term campaign of the PBC, and this Act ensured improved and more meaningful parliamentary oversight on the national budget.



Dinner at the PPP conference



Some comment on these gains, however, is necessary. Not all the gains have translated to the vision of the PBC in full or have meant what the budget policy intended upon implementation on the ground. There are areas which need further work. For example, amongst the gains recorded these still need more work by joint action of the PBC and other CSOs to ensure that they meet the needs of poor communities.

On the expansionary budget as recorded from 2001, the PBC still feels that this could be further improved on, but the South African government's macro-economic policy still leans slightly on the conservative side. The PBC argues that, "In an expansionary fiscal policy framework, the rise in revenue should provide firmer foundation for spending to rise and not to moderate⁵, however in the South African setting this is constrained by "the rise in the interest rate, or the fall in the inflation rate due to inflation-targeting, (which) will increase the interest cost of public debt, thereby limiting the ability of government to use deficit spending as an instrument to accelerate job creation."⁶

On the counter-cyclical budget which helped minimise the impact of the international economic crisis and the recession on the poor, the PBC contends that this has yet to be assessed as to whether it is as a result of a counter-cyclical fiscal policy or whether it is as a result of a disguised stimulus package or targeted response to the international economic crisis.

On the movement towards a comprehensive social security system for South Africa, the PBC is still waiting for the final proposals as contestation between Treasury and DoSD had stalled the process.

It is provident that we meet today just a week and a half after the release of the NHI Green Paper. The Green Paper should give us a clue as to where government is directed. In previous discussions the PBC had been extremely critical of raising funds for the NHI from a mix of sources that include VAT, feeling this will put undue pressure



on the poor. In this version of the proposed policy, there is no mention of VAT; but that the "revenue base should be as broad as possible in order to achieve the lowest contribution rates and still generate sufficient funds."⁷

On improvement to public transport in the major cities, the PBC is cognisant of the problems with the Rea Vaya system but feels that this is movement in the right direction. The sourcing of the public transport vehicles should have been localised as part of a local procurement strategy that resonates with government's stated objective of creating jobs in South Africa. The PBC expressed serious reservations with the Gautrain and saw it as a vanity project which does nothing to ensure that the working poor get to work on time without any interruptions to the rail service.

The PBC would have favoured a situation where all those billions spent on the Gautrain could have been spent on improving the national rail infrastructure. This would have untold benefits to the South African economy not only by providing public transport but by providing an efficient conduit for the transport of goods across the country and the region.

On the notable though minor policy shifts in economic and industrial policy the PBC has noted the Growth Path and IPAP II. These are a response to a range of proposals the PBC has submitted; but these have not been as comprehensive as the PBC had hoped. There are still incoherent spots in the policy and as history has taught us we should expect that in the implementation. An example of this is the approval of trading rights for Walmart.

There has been an improvement in basic service delivery such as water and electricity through the extension of the reach of the infrastructure. There are still issues to be addressed relating to consistent and uninterrupted access for poor families.

⁵ PBC submission to Parliament on Fiscal Policy 2010

⁶ *ibid*

⁷ National Health Insurance Green Paper, 2011, p35



On gender-conscious and child-friendly budget proposals- access to policing and security, access to education, CSG and other interventions the budget has been clear, the challenges have been implementing these policies on the ground. A case in point is the rise in vicious attacks on women, children and lesbians.

Challenges encountered by the PBC

The PBC has not had a level playing field in which to register its gains. There have been contending forces and opposing interests that it has confronted and continues to confront in its quest to secure a People's Budget.

The PBC has had success at national level i.e. in relation to impacting on national policy. A lot of work still needs to be done to ensure that the space that is provided by legislation on participatory budgeting at local level is utilized fully. The capacity building programme of the PBC was aimed at building this capacity in all provinces. The vision of the PBC could not be fully realized because of the levels of resourcing. This has meant that the people who were capacitated on participatory budgeting within the South African context have not been supported to take their training forward and that some provinces could not be reached. This means that a lot more work still needs to be done to build support structures or institutions for participatory budgeting at provincial level in order to support participatory budgeting at local level.

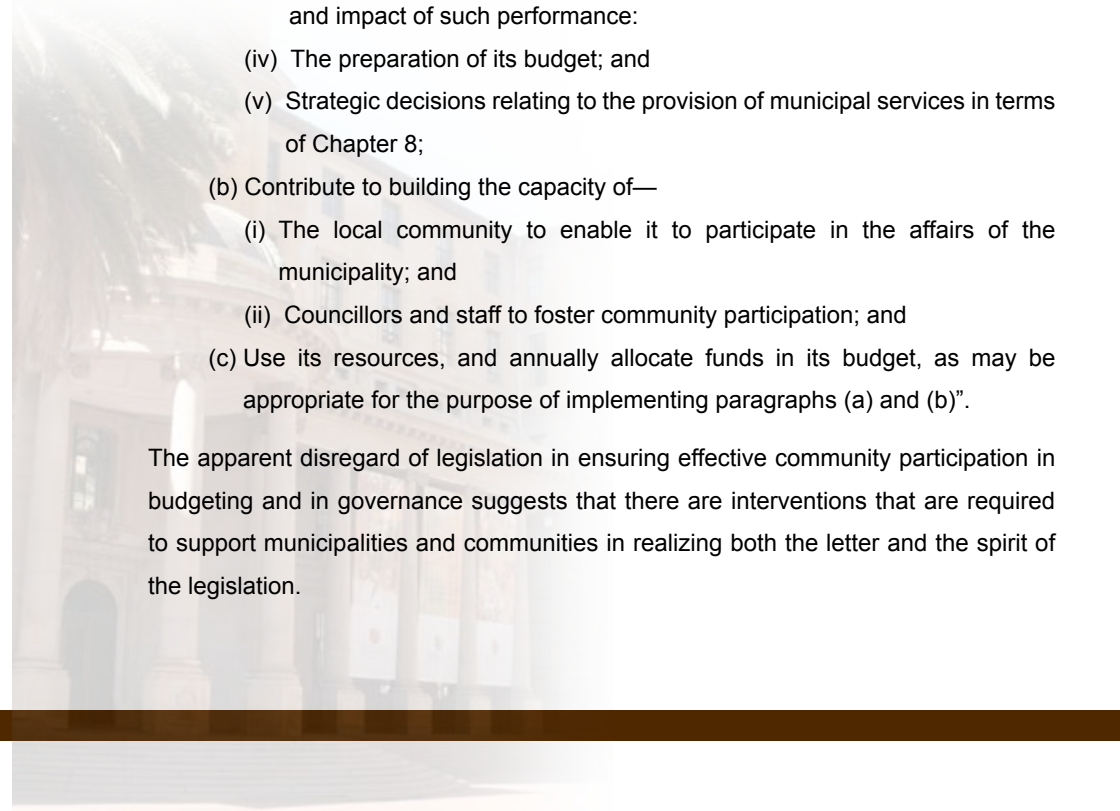
PBC research revealed that at least one municipality (a district municipality) was adhering to the letter and spirit of the legislation that speaks to participatory budgeting. In this municipality the people interviewed were happy with how the process was run. In all the other municipalities, the community representatives felt that the process was merely ceremonial and it was disempowering because the municipal documents were too thick and that they did not know enough to participate effectively in the budget. All of this is going against section 16 of the Municipal Systems Act which states:



“16. (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose-

- (a) Encourage, and create conditions for, the local community to participate in the affairs of the municipality, including in—
 - (i) The preparation, implementation and review of its integrated development plan in terms of Chapter 5;
 - (ii) The establishment, implementation and review of its performance management system in terms of Chapter 6;
 - (iii) The monitoring and review of its performance, including the outcomes and impact of such performance;
 - (iv) The preparation of its budget; and
 - (v) Strategic decisions relating to the provision of municipal services in terms of Chapter 8;
- (b) Contribute to building the capacity of—
 - (i) The local community to enable it to participate in the affairs of the municipality; and
 - (ii) Councillors and staff to foster community participation; and
- (c) Use its resources, and annually allocate funds in its budget, as may be appropriate for the purpose of implementing paragraphs (a) and (b)”.

The apparent disregard of legislation in ensuring effective community participation in budgeting and in governance suggests that there are interventions that are required to support municipalities and communities in realizing both the letter and the spirit of the legislation.



This indicates that the PBC has not had the impact that it would like on ensuring participation of communities in budgeting. Whilst the opportunities are there our communities are not taking up the spaces and the PBC efforts to ensure this have not yet yielded results. In a country where the perception that a majority of government officials are susceptible to corruption, there is a strong need for participatory budgeting to ensure increased transparency, increased trust and credible access to budgetary information. If communities can be exposed to municipal budgets the way the legislation dictates, we can expect fewer or no service delivery protests.

Rahman in “Effective Participation: Community Engagements in Participatory Budgeting in Bangladesh” refers to a concept termed “passive participation” by the author. This is defined as participation by being told what is going to happen or has happened. With the exception of one district municipality, all the interviewees from over 20 municipalities indicated that the participation is most comparable to what Rahman refers to: a combination of “passive participation”, “participation in information giving” and “participation by consulting.”⁸

The PBC has always been in favour of a slightly higher tax rate for corporations; however this drive has been tampered by the recent recession. The PBC has never won this. The PBC has also proposed a higher tax threshold for people earning above a million rand. These gains have yet to be realized.

The PBC has also consistently raised a concern with inflation-targeting. In the context of a high unemployment rate, the government’s commitment to job creation needs to be reflected in the monetary policy. The PBC is particularly concerned that inflation-targeting makes price stability the primary focus instead of employment creation.

The PBC has not made any headway in influencing the Treasury on its strategy for youth employment. Treasury has suggested a subsidy to companies for youth employment.



The PBC strongly feels that this strategy will contribute to creating a two-tier labour market, which is detrimental in the long run.

The PBC has been a long-term supporter of the Basic Income Grant which is an initiative that is supported by a broader range of civil society organisations. The PBC support for BIG was informed by research that indicated that the BIG is an affordable intervention for the South African government. Any work put in by CSOs on attempting to influence Treasury on the adoption of BIG has fallen on deaf ears.

The PBC has consistently raised the issue of inflation-related increases for social grants. Whilst the old age and disability grant increase have been linked to inflation, the same cannot be said of the CSG. Clearly more work is required to impress upon the government the benefits that accrue to a majority of children as a result of the CSG.



Hon Deputy Chairperson of Committees, Champion of Public Participation in the Gauteng Legislature

⁸ Rahman in “Effective Participation: Community Engagements in Participatory Budgeting in Bangladesh”



Some Comparative Reflection on the PBC A few international examples

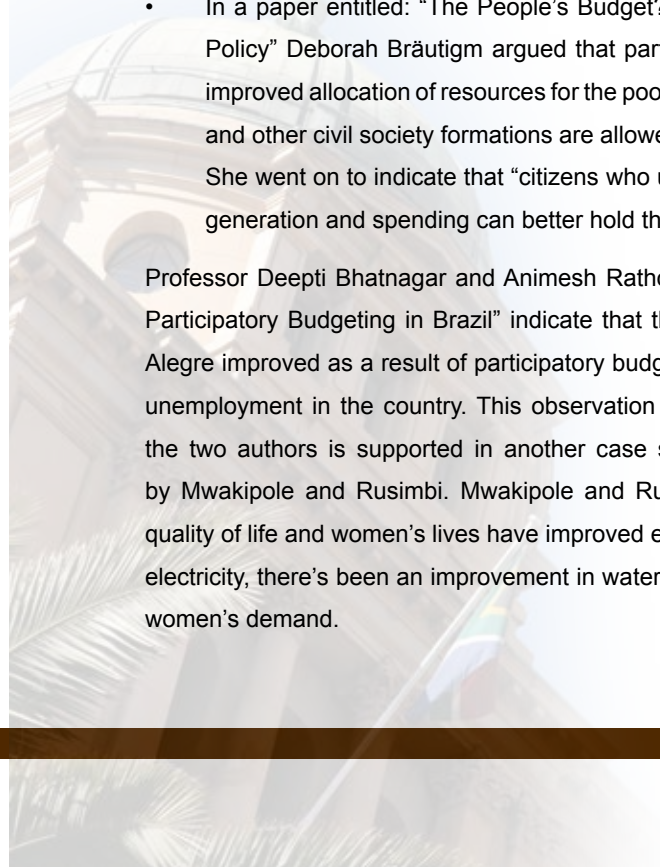
Budgets have evolved from being the absolute terrain of kings to become critical policy documents of democratically elected governments over the centuries. If these are said to be important policy documents they, therefore, need to incorporate inputs from as diverse sectors of a country's population as possible. IDASA opines that "It can be argued that the public has a basic right to information about the budget and to have its views considered in budget decisions," in the report entitled "Transparency and participation in the budget process- South Africa: A country Report". This is seen as an integral and key element in the ongoing practice of good and democratic governance. This helps to ensure that the voice of a country's population or a municipality's local community is heard. The study of involving people in budgetary processes has been identified by a range of authors to yield numerous benefits which are tabulated as follows:

- The accommodation of public participation in budget processes at all levels of governance ensures that the public is informed and meaningfully consulted about budget processes. It ensures that governments are more accountable to the voting public and in addition this nurtures a sense of ownership of the budget process and the resulting budget.
- The use of collective decision-making also fosters trust between elected officials and the people they represent. It helps to build the desired social cohesion.
- IDASA argues that it helps with early identification of potential crises and can help governments to prevent larger secretive crises in the future e.g. the international economic crisis that came as a result of poor disclosure. IDASA argues that early identification allows for minute interventions that can be agreed collectively and put in place to avoid later big crises timeously.



- This can build a strong faith in a country's key institutions amongst both local and foreign investors leading to an improvement in the economy of such a country which would attract higher investments when compared to other countries IDASA also argues.
- Once public officials become conscious of the very public scrutiny that comes with effective participatory budgeting, corruption can be seriously reduced or even eliminated. This is crucial in the context where most people asked about participatory budgeting in the South African context seemed to feel that it is merely ceremonial, disempowering and can thus be said to be not really effective.
- In a paper entitled: "The People's Budget? Politics, Participation and Pro-Poor Policy" Deborah Bräutigam argued that participatory budgeting can also lead to improved allocation of resources for the poor especially if ordinary citizens, NGOs and other civil society formations are allowed to participate in budget processes. She went on to indicate that "citizens who understand the link between revenue generation and spending can better hold their governments to account."

Professor Deepti Bhatnagar and Animesh Rathore in "Empowerment Case Studies: Participatory Budgeting in Brazil" indicate that the condition of poor people in Porto Alegre improved as a result of participatory budgeting despite increasing poverty and unemployment in the country. This observation on participatory budgeting made by the two authors is supported in another case study of Cotacachi, Ecuador written by Mwakipole and Rusimbi. Mwakipole and Rusimbi report that in Cotacachi rural quality of life and women's lives have improved e.g. 95% of the territory has access to electricity, there's been an improvement in water and sanitation services which was a women's demand.



In Cotacachi maternal and infant mortality rates are at 0% unlike here in South Africa where we are told infant and maternal mortality rates are increasing. "South Africa's maternal mortality rate has quadrupled over the last few years, to now being more than 4,500 maternal deaths per year" according to the Human Rights Watch Report which indicates a quadrupling of maternal mortality rates as cited by Dana Hughes in the ABC news site (<http://abcnews.go.com>). Statistics published by the Health Systems Trust show that in 2000, South Africa's mortality rate for children under the age of five years (defined as the number of deaths in this age group per 1 000 children born), was 37. In 2010 it had jumped up to 50.9 (<http://indicators.hst.org.za>).

Bhatnagar and Rathore further enumerate other benefits of participatory budgeting using the Porto Alegre case study namely:

- The provision of budget information to the local citizenry promotes a learning process in and of its own. The learning process empowers citizens and promotes active citizenship. They argue that access to information has helped citizens challenge the domination of authorities over the allocation of public resources. This is an important point, but it does not reflect on what other factors are present in Porto Alegre to support participatory budgeting. A good example would be to indicate whether budgets are simplified or are packaged in simple formats that people without higher standards of education can access. It is the contention of this author that in South Africa another barrier to people participating effectively in participatory budgeting is the complex manner in which municipal budgets are packaged. This has been one of the complaints that communities raised in the PBC needs assessment study.
- The authors Bhatnagar and Rathore also argue that the inclusion of low-income groups in decision-making is a gain. They indicate that at the beginning when participatory budgeting was introduced less than 1000 people participated but nine years later 40 000 people were participating. They caution, though, that whilst low-



income groups are participating the very poor are still marginalized in the process. From our perspective in South Africa, this is a much more inclusive process because the process of dealing with the budget is not a once-off event as is the case in South Africa; but that this is an ongoing process throughout the budget cycle. Wampler supports this and indicates that it also needs "sustained mobilization of participants and yearlong mobilization of their elected representatives (citizen-delegates). The focus of meeting ranges from informational sessions to year-end reports to negotiation and deliberative processes.⁹ Bheki Langa and Afeikhena Jerome in their paper entitled, "Participatory Budgeting in South Africa" indicate that participatory budgeting can occur in three different stages which are: budget formulation and analysis, expenditure monitoring and tracking as well as monitoring of public service delivery. Involvement of CSOs through these three stages is what still needs to happen in South Africa. Ebrahim-Khalil Hassen in his paper entitled, "Making Local Government Work for the People: South Africa Far behind International Trendsetters" reflects on the current best practice in participatory budgeting in the North Brazilian city of Recife. In this city, communities decide on project priorities and conducting ongoing evaluation of projects. In addition to this the city has introduced youth budgets, understandable when one looks at youth unemployment globally which stood at a record high of 13 per cent in 2009. In middling economies, it can go as high as 73%. Worse can be legitimately expected in struggling economies. Recife has also had a very strong gender component.¹⁰

- There is also, according to Langa and Jerome, transparency in budgeting which promotes accountability. Councilors who are seen as not able to push the citizen's demands often lose support and, are therefore, not re-elected in the case of Porto Alegre as reported by Bhatnagar and Rathore.
- Participatory budgeting also promotes community organizational capacity. Communities work as collectives and thus the issues raised in the participatory budget process are not individual issues.

⁹ Wampler, "A Guide to Participatory Budgeting" P7

¹⁰ Yves Cabanne, "Participatory Budgeting: a significant contribution to participatory democracy" in *Environment and Urbanization*, 2004; 16; 27 <http://eau.sagepub.com>



- Knowledge of the budget issues also means that people in a local community are aware of how the municipality generates its funds and how much of these funds are available. This process, therefore, means that there are no unreasonable demands and expectations. This is echoed by experiences of communities in Zimbabwe as reported in the Africa Good Governance Programme where corporate organizations are contributing to resolve the water crisis in Ruwa and in Masvingo where communities decided to pay 10 Zim dollars extra for six months for water services so that the municipality could afford to buy new water pumps.
- Participatory budgeting has also contributed to a drop in tax delinquency in the cities of Campinas, Recife and Cuenca. "In Porto Alegre, property tax delinquency dropped from 20% to 15% and, in less than ten years, property taxes rose from 6% to almost 12 % of the municipality's revenues."¹¹

Other comparable initiatives in South Africa

Langa and Jerome reflect on a few other participatory budget initiatives in South Africa namely: Budget Information Service (BIS) of IDASA and Fairshare of the UWC School of Governance. Langa and Jerome's paper was mostly biased towards BIS with very little coverage of the other initiatives they attempt to include namely: Fairshare and the People's Budget Coalition. The BIS initially focused on elected representatives and CSOs. The BIS offers training on system issues, budget analysis, and budget process advocacy. It monitors government's policy and how this relates to budget allocations to women, the disabled and children. BIS has worked with international organisations such as the World Bank and has established the Africa Budget Project through the support of the World Bank which benefits other countries on the African continent.

Fairshare was a project of the UWC School of Governance. It got involved in the training of ward committees on integrated Development Plans, Municipal Budgets



and Community participation. Fairshare also partnered with SALGA to facilitate an understanding "of how macro-economic policies, budgets and legislation affect the capacity of local governments to deliver."¹² The two authors conclude their paper on an optimistic note that "the necessary shift to a truly participatory budget process would come almost naturally, especially given the rich and varied history of participatory democracy in people's organisations and movements, as a means to overcome divisions, inequalities and injustices that pervaded South Africa."¹³ Their optimism does not seem to be misplaced when echoed by Wampler who argues that, "it is noteworthy that PB programs have been most successful in municipalities in which their civil society has long been organized."¹⁴ This optimistic note has yet to become reality in the South African context. This author believes that there are a number of reasons for participatory budgeting not taking off as naturally as expected in South Africa. These are listed below:

- There is not enough support for participatory budgeting in South Africa. A good example is that of Fairshare whose program was probably curtailed by poor resourcing for participatory budgeting initiatives in South Africa.
- Participatory budgeting is still a contested area. Whilst the constitution, the Public Finance Management Act (PFMA), Municipal Systems Act and the Municipal Finance Management Act (MFMA) advocate for transparency, participation and accountability; the area of participatory budgeting still has to be fought for.
- The technocratic approach to handling government business is not empowering to communities, yet this is the favoured modus operandi of government officials. This is closely aligned with tenderpreneurship where service providers who do not prioritize community interests are often given the task of facilitating the development of IDPs and municipal budgets. Ebrahim-Khalil Hassen reflects on just this point in his paper entitled, "Making Local Government Work for the

¹¹ Ibid, P11

¹² Langa and Jerome, "Participatory Budgeting in South Africa", SISERA Working Paper Series- 2004/1, P 14

¹³ Ibid, p16

¹⁴ Wampler, "A guide to Participatory Budgeting" 2000, P6



People: South Africa Far behind International Trendsetters". He uses the "toilets" controversy to illustrate the point of being removed from the communities where the municipal officials can approve projects without understanding of the community or the details of the project leading to a, "situation where municipal governments are genuinely surprised to find out that the projects are completed 'to spec' and that the specification does not specify the building of walls around a toilet."¹⁵

- Municipal officials do not seem to understand their role in ensuring participatory budgeting and to lack understanding that this right of communities is prescribed by legislation. Where municipal officials understand this, they lack the capacity or the will to put it into effect. Hassen further argues on the toilet controversy and its damning results, "In all of this, we might well ask, where are the communities, the people, the proverbial "masses" in decision making". This incident is perhaps the most telling on the real state of participatory budgeting in South Africa.
- There is not enough understanding within civil society of the right they have to participate in the budget. Those who know indicate powerlessness in engaging effectively with the budget as they do not know enough to participate meaningfully.
- There are possibly not enough funds at the municipal level to promote participatory budgeting effectively. Wampler argues that discretionary funding is important to implement a PB program as it increases the likelihood that citizens can directly select policy outcomes.¹⁶

Impact of the Virtualization of Politics on the PBC

The virtualization of politics in participatory budgeting can be said to be a relatively new development. The La Plata community of Argentina has combined traditional forms of consultation with online and mobile channels showing that spaces opening up through technology can be similarly appropriated for use in deepening democracy.¹⁷ In South

¹⁵ Ebrahim-Khalil Hassen, "Making Local Government Work for the People: South Africa Far Behind International Trendsetters" P.1

¹⁶ Wampler, "A Guide to Participatory Budgeting", 2000, P7
¹⁷ Ibid, P3



Africa, on the other hand, the PBC has yet to embrace the benefits of opening up consultation and the erection of collective wisdom through the use of technology as found in social media. As it is the PBC has remained untouched, hopefully not for long, by the growing revolution that can sometimes be nurtured through the use of social media.

Impact of the International Economic Crisis on the PBC

The PBC was forced to tamper its proposals on the budget. Specifically the PBC has always favoured a rise of the tax rate to 27% of the GDP. This would encourage higher investment in the economy so that it could grow at a faster rate and be able to generate more jobs for the masses of unemployed as well as more rands for the fiscus. These demands are all interlinked because a higher fiscus allows the state to reduce the apartheid development legacy that all rural areas and a majority of the urban townships are still living with. The PBC could not, therefore, continue to make the same demands on the budget in the face of the international economic crisis and the consequent national recession experienced in South Africa.

The PBC, however, is continuing to monitor the trends with an eye to re-instating its demands on taxation later on.

Conclusion

This paper has explored the PBC's gallant role in occupying public spaces as presented by the transition to democracy in South Africa and the legislative framework which is a result of this transition. The paper has attempted to assess the impact as well as the obstacles to achieving a more resounding and meaningful impact for participatory budgeting and participatory democracy. Some attempts have also been made to compare PBC initiatives with other attempts nationally, on the continent and globally. The assessment has revealed substantive successes at a national level. The



limitations that the PBC had in reaching the local levels has been noted and it is hoped that a variety of strategies can be implemented to take the vision of the PBC forward. The paper has identified the areas of weakness of the PBC and some proposals are contained in this section to address these weaknesses.

There is a need to develop an understanding possibly beyond the PBC for why participatory budgeting is so critical. South Africa has the unenviable position of being the world's most unequal society. Brazil, which competed with South Africa for this prize has since moved to a better position due to the adoption of participatory budgeting processes. Participatory budgeting entrenches democracy in practice and at the same time reduces inequalities when poor people are empowered to participate effectively in budgeting.

This would assist in ensuring that participatory budgeting in the South African context is meaningful with extended periods of engagement that allow for participation in budget formulation and analysis, expenditure monitoring and tracking as well as monitoring of public service delivery. As it is, participatory budgeting in South Africa cannot be said to be truly meaningful as impact is mainly registered at national level and very minutely at local level where it is also required. From the case studies of some Latin American cities it is clear that there are many benefits to PB including, increased revenues for municipalities. This has an added benefit of creating an improved source of funding for municipal budgets, therefore, speedier delivery of services and faster reduction of inequalities.

South African legislators and government officials have to be sensitised to the benefits, and processes of participatory budgeting. From the research that the PBC has conducted through NALEDI, it is clear that the officials see the ceremonial annual meetings that discuss IDPs and municipal budgets as actual participatory budgeting.



Some work needs to be done with the municipal officials to promote a genuine participatory budgeting process.

The government's commitment to education must include adult basic education. A significant number of South Africans are not able to put their education to good use (i.e. to make a living for themselves) as reported by research into the informal economy and into xenophobic violence in South Africa. People in or from other African countries are better placed to create a living for themselves in their countries and within South Africa with the skills they bring from their education systems. It is, therefore, probable that the standard of education in South Africa contributes to the inability of CSOs to take full advantage of the opportunity presented by participatory budgeting policy and legislation.

There is a need to simplify budgets so that CSOs and community members can interact with them much better. In addition communities and CSOs could be supported with personnel that can assist with the analysis of financial information in an empowering way that would allow them to establish informed priorities for spending. These should be ongoing to accommodate community and CSO participation in all the stages of participatory budgeting namely: budget formulation and analysis, expenditure monitoring and tracking as well as monitoring of public service delivery.

The PBC has not forayed into the use of social media as a way of generating public participation in the budget. This is an area that the PBC can still explore to ensure that these budgets are simplified for mass consumption and for mass engagement. This could be another platform where ordinary people in particular the youth can be able to engage with budgets and make their submissions.

More work is still required to foster a genuine participatory budgeting process, which is part of participatory democracy in order to entrench democratic culture and to

deal a telling blow to inequality. This is quite critical in the context of a rolling back of participatory budgeting in Porto Alegre as a result of the defeat of the Workers' Party in the local elections in 2004.¹⁸

Whilst the PBC has had mixed results so far, persistence in fostering effective participatory budgeting can improve the results of the PBC thus far. What is needed is capacity building for CSOs, political will for government officials, support and capacity building for government officials, information for CSOs and commitment from all parties.



Participants at the Gauteng Provincial Legislature – Women's Parliament

¹⁸ The Civic Forum was a representative body for civil society, established in 2000, whose purpose was to inform government on issues affecting civil society. The group rarely met and was eventually closed in 2002.



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Ms Laura Graham from the University of Aberdeen in Northern Ireland, sharing the international practices in engaging civil society in governance processes.

Engaging Civil Society in Governance Processes:

A Case Study of Victim Support Groups in Northern Ireland

Abstract

This paper draws on the research conducted in the Leverhulme-funded Compromise After Conflict study of victim support groups in Northern Ireland. Specifically, this paper examines the role of victims' groups in achieving the government aims of conflict resolution and reconciliation through the development of social capital. This paper presents Northern Ireland as a case study to address the ways in which government policies aimed at building social capital for conflict resolution processes can be strengthened through the voluntary sector, and specifically, through victims' groups. The lessons that can be drawn from this case study have many implications



for policy prescription in other post-conflict societies. Moreover, this paper will present findings that highlight gaps between government policies and practice in the voluntary sector. These gaps will be discussed, and the paper will conclude with some policy prescriptions for government and practitioners on how to bridge these gaps in order to foster improved civic engagement in governance processes.

Introduction

The relationship between government and civil society should be symbiotic, whereby each entity's contribution to peace-building and conflict resolution should have a mutually beneficial outcome. This paper will investigate whether there is a symbiotic relationship between government and civil society - vis-à-vis victims' groups - in Northern Ireland, in terms of conflict resolution and peace-building through social capital development. This paper draws from the data gathered in the Leverhulme-funded Compromise after Conflict study at the University of Aberdeen. In particular, this paper is based on the findings of the author's investigation of social capital development in victim support groups and the impact of leadership in these organizations.

This study has major implications for policy-oriented research because it is the first of its kind with respect to investigating the perceptions of victim support group leaders on victims' issues and policy. Drawing from the findings of Compromise study on victims' groups in Northern Ireland, this paper will present the strengths and weaknesses of government policy and the work of victim support groups in achieving the aims of government policy for social capital development and broader peace-building aims. Additionally, this paper will propose some policy recommendations for the legislative audience in order to improve upon existing policies aimed at building social capital and increasing civil society's engagement with governance processes. Looking to Northern Ireland as a case study, this paper will highlight universal policy implications for developing the symbiotic relationship between government and civil society, not only for Northern Ireland, but also for South Africa and other post-conflict societies.



Prior to embarking on this journey into the findings of the *Compromise* study of victim support groups, some background information is essential. To begin, one should note, after four decades of conflict in Northern Ireland, the country is mourning the loss of around 3,700 lives (McKittrick, et al., 2007:13; Fay, et al., 1997) and has been left with an estimated 40,000 to 50,000 physically and psychologically affected surviving victims (McDowell, 2007). While these numbers may seem small to countries with large populations, one should observe that in Northern Ireland, a country whose population stands around 1.7 million, these casualties have had a major impact upon society. Indeed, it has led some in Northern Ireland to proclaim that nearly everyone living there during the conflict was in some way affected by the violence, and many could be said to be victims (cf. Bloomfield, 1998). The devastating human impact of the Troubles has led to a situation where victims have become a marginalized group in society. As a result, policymakers have aimed to reduce social exclusion of victims and encouraged greater civic engagement in victim support groups.

However, policies aimed at promoting social inclusion of victims have proven to be a real challenge due to the nature of political and societal division in Northern Ireland. Nevertheless, government and civil society have been working to reduce social exclusion and marginalization of victims in Northern Ireland through the development of social capital in victim support groups. In theory, this aim of promoting social inclusion through the development of social capital should lead to greater civic engagement with governance processes. In practice, however, the relationship between government and civil society has not always produced this outcome. This paper will address some of these gaps between victims' policy aimed at promoting social inclusion and the levels of social capital and civic engagement in victim support groups. In doing so, the author will point to the positive and negative implications of these policies and draw policy conclusions aimed at improving the objectives of the policies. This analysis of policy will benefit policymakers in South Africa by providing a comparative case study



for the most effective ways to engage civil society in governance processes regarding the promotion of social inclusion of marginalized groups, development of social capital in civil society and the options for encouraging participative democracy.

In the remaining sections of this paper, the reader will find: 1) A brief explanation of the research design of the *Compromise* study that contributed to the findings presented in this paper; 2) A presentation of the proposed benefits of social capital development for promoting social inclusion; 3) An overview of relevant victims' policy in Northern Ireland; 4) Research findings related to the work of victim support groups in building social capital and increasing social inclusion of victims under the EU PEACE Programs and the Victims' Strategy; 5) A discussion on the implications of the findings on the effectiveness of victims' policy in Northern Ireland, and wider universal policy implications; and 6) A conclusion on the effectiveness of policy in the Northern Ireland case study and the author's policy recommendations for the international audience

Research Design

The findings discussed in this paper draw on the fieldwork of the *Compromise after Conflict* project's ethnographic case study of victim support group leaders in Northern Ireland. It is the first study of its kind to investigate the perceptions of victims' group leaders on their roles and their perceptions of victims' policy. The research design of the study employed qualitative methods of data collection and analysis. Specifically, the author conducted thirty qualitative semi-structured interviews with victims' group leaders over a period of six months. The interviews were then transcribed and analyzed using qualitative coding data analysis techniques. The interpretations of the data are based on Postmodernist epistemological assumptions about knowledge and have been corroborated by interviews with policymakers and by the vast volume of literature on victims' issues in Northern Ireland. The findings discussed in this paper refer to one theme from the larger dataset, and should therefore be taken as one component of



overall research project. For additional context on the data presented here, please see the author's forthcoming doctoral thesis, *An Evaluation of the Social Capital of Victim Support Groups in Northern Ireland*.

Social Inclusion and Social Capital: How are these concepts related?

The era of democratization and peace settlements has long since passed in Northern Ireland and South Africa, and much progress has been established in terms of peace-building and conflict resolution in both countries. In both countries, the governments have demonstrated a commitment to meeting the continued needs of victims and survivors, as well as broadening the dividends of peace-building throughout wider society. Now, in both countries, legislators are looking to engage civil society in governance processes that will have the impact of contributing to a more peaceful society. Drawing on the theoretical benefits of social capital as proposed by Robert Putnam (2000), policymakers in Northern Ireland have promoted social inclusion policies aimed at achieving high levels of social capital through the work of the voluntary sector. Nowhere is this more apparent than in victims' policy and the work of victim support groups. This section will introduce the concepts of social inclusion and social capital to show the relationship between policies aimed at increasing social inclusion of marginalized groups (e.g. victims) and the development of social capital.

Definitions:

To begin, one will benefit from generalized definitions of the concepts and terms employed in this paper. Thus, when the author refers to civil society, she is referring to civic organizations that are "grounded in communicative interaction as a coordinating mechanism, while at the same time being subject to state regulatory oversight and protection" (Acheson and Milofsky, 2008:63). Additionally, victim support groups are civic organizations with a common aim of addressing the needs of victims. Victims are



"the surviving physically or psychologically injured of violent, conflict-related incidents and those close relatives or partners who care for them, along with those close relatives or partners who mourn their dead" (OFMDFM, 2002:1).

Civic engagement is the act of involving civil society in some process – in the current case, governance processes and participative democracy. Governance processes are those processes that stem from legislative decision-making. Social inclusion is a process that involves de-marginalizing excluded social groups. Therefore, a socially inclusive society is one where people feel valued, their differences respected, their basic needs met and where they have dignity (Cappo, 2002). Conversely, social exclusion is the process of being shut out from social, economic, cultural and political systems which contribute to the social integration of a person into the community (Cappo, 2002). Finally, social capital is a resource consisting of social networks that are based on trust and norms of reciprocity (Putnam, 2000).

There are two main types of social capital: bonding social capital reinforces exclusive identities and maintains homogeneity – it is inward-looking and exclusive; whereas, bridging social capital brings people together across diverse social divisions – it is outward-looking and inclusive (cf. Field, 2008:36; Putnam, 2000:22). These definitions will be employed throughout this paper.

The relationship between social inclusion and social capital

Social exclusion is believed to be one of the underlying causes of the conflict in Northern Ireland, particularly in relation to perceptions of the other. This is especially prevalent in the perceptions of the world as consisting of *us* and *them*. Therefore, since social exclusion is seen as part of the problem, then social inclusion should be seen as part of the solution to societal division. This is why a number of salient government policies have promoted social inclusion as a means of conflict resolution and peace-



building – as will be discussed in the next section. Policies promoting social inclusion, however, present a challenge to policymakers, especially with regard to building a more inclusive society. To this end, savvy policymakers have sought to develop bonding and bridging forms of social capital through the work of civic organizations to promote the policy aims of social inclusion. This section will reveal the ways in which social capital development contributes to social inclusion.

Social isolation, exclusion and marginalization have been shown by social scientists to contribute ill-health, shortened life expectancy, a lack of trust, economic deprivation, a decline in civic engagement and participative democracy, and the possibility to contribute to conflict, amongst other problems (cf. Berkman and Glass, 2000; Kawachi and Berkman, 2001; Putnam, 2000; Seeman, 2000; Wilkinson and Marmot, 2003). Conversely, social inclusiveness, strong social networks and high levels of social capital have been correlated to improved health and well-being, a decrease in the risk of dying from all causes, improved socio-economic conditions, an increase in civic engagement and greater participative democracy, and in some instances, conflict resolution (cf. Aldridge, et al., 2002; Herreros, 2004; Nan, 2009; Putnam, 1993; 2000; 2007; Varshney, 2001). Therefore, if the aim of policy is to overcome social isolation and exclusion, then it would seem appropriate to promote policies that aim to increase, amongst other things, levels of social capital within society.

One approach that policymakers have taken to develop social capital is to promote bonding and bridging forms of social capital through endorsing single-identity and cross-community work in civic organizations. This endorsement is evidenced by the strategic aims and allocation of funding to victim support groups in Northern Ireland under the European Union's PEACE Programs (SEUPB, 1995; 2000; 2007). It is also evident in the Northern Ireland Council for Voluntary Action's policy manifesto:



Our vision is of a society where all citizens are treated as equals, where sectarianism and discrimination are not tolerated, and where respect for human rights is regarded as the norm. We want to see a society that is developed sustainably and that is active and engaged with its democratic structures [...] The voluntary and community sector enshrines the principles of participation and inclusion which should also form the basis of good policy making and governance [...] The voluntary and community sector is a major force for change in Northern Ireland. What the sector has to offer is a profound experience of civic life – of a world where everyone is equally valued as an individual, where individuals come together for the common good, and where the everyday concerns of 'normal' politics are to the fore. A vibrant civic culture is critical to a well-functioning, inclusive society. Civic associations have the capacity to achieve virtuous circles of growing trust, confidence and cohesion. Government increasingly depends on NGOs [...] in complex societies where it can neither know nor do everything [...] If supports are not put into place to enable excluded groups to participate in democracy, then inequalities are exacerbated. The voluntary and community sector fulfils this role through providing such supports. The not-for-profit ethos of the sector means that it actively seeks to build collective profit (capital) within economically and socially deprived communities when it is delivering services [...] The voluntary and community sector also has a role to play in reconciling Northern Ireland's divided society. Strong civic networks can offset sectarian divisions and work at community level has the potential to encourage outward-looking and outward-reaching development rather than inward-looking competitive communities (NICVA, 2006:7)

The idea behind government policy is that a combination of single-identity bonding work, aimed at increasing levels of trust, confidence and well-being, will compliment cross-community bridging work, aimed at building better community relations and a shared society. Taken together, these two forms of social capital contribute to social



inclusion, conflict resolution, peace-building, and a vibrant civil society that is engaged in participative democracy. In theory, at least, high levels of social capital should correlate to the aforementioned outcomes. In reality, however, Northern Ireland is struggling to capitalize on the high levels of social capital within civil society.

It is the author's contention that although Northern Ireland has high levels of social capital, as evident in victim support groups, there is a disconnection between civil society and government that has stymied civic engagement in governance processes. This lack of civic involvement in government decision-making has limited the impact of participative democracy— and worse, if it continues, it could lead Northern Ireland back into conflict. Evidence that the peace process is regressing can already be seen in the increase in dissident bombings and attacks since 2009. Therefore, it is essential that policymakers understand how to capitalize on Northern Ireland's high levels of social capital. This issue will be addressed in the findings and discussion sections of this paper. First, however, one must understand the evolution of victims' policy to discover where the disconnection between civil society and government began. The next section will address some of the key developments in victims' policy since 1995.

Evolution of Victims' Policy in Northern Ireland 1995-2013

Northern Ireland has a vibrant civil society. There are estimates that the voluntary sector contains as many as 5,000 civic organizations with a paid workforce of 29,000 workers and 76,000 volunteers (NICVA, 1998, 2002, 2006). Many of these organizations are the benefactors of the peace dividends of government grants. In fact, it has been postulated that Northern Ireland has invested more money in peace-building than any other post-conflict society in the world. While it seems impossible to gain an exact figure for how much has been invested in Northern Ireland's peace process, conservative estimates suggest that at least £1.5 billion has been allocated through grants in and around Northern Ireland (cf. Brewer, 2010:169). However, if one



looks at the various funding programs together, one can see that these grants total around £3 billion:

- International Fund for Ireland – €850 million since 1986 (<http://www.internationalfundforireland.com/>).
- Ireland Funds - €300 million since 1976 (<http://theirelandfunds.org/>).
- Reconciliation Fund - €23 million since 1999 (<http://www.dfa.ie/home/index.aspx?id=345>).
- EU PEACE funding - €2 billion from 1995 to 2013 (SEUPB, 1995, 2000, 2007).

While the exact amount of money that has been spent on peace in Northern Ireland is uncertain, one can be certain that this investment must have made some impact in the past two decades. However, whether this impact has met the social inclusion and social capital aims and objectives intended by policymakers is a question that has not yet been answered. To answer this question, one must first look to government documents to determine what policies government is promoting.

EU PEACE I Program 1995-1999

The earliest victims' policies came prior to the signing of the Good Friday Agreement, and therefore prior to the establishment of the Northern Ireland Assembly, in the form of the European Union's PEACE I Program. Officially, it is known as the European Union's Special Support Program for Peace and Reconciliation in Northern Ireland and the six Border Counties of Ireland (SEUPB, 1994:1). In total, the program was allocated €500 million or approximately £340 million from the EU to cover a range of projects to run from 1995 through 1999 (SEUPB, 1994:1). The idea of the PEACE I Program was to "involve people at the grass roots level and to focus on those areas and sections of the population most affected by the conflict" (SEUPB, 1994:1). In other words, the program was designed to engage civil society and marginalized members of society in governance processes.

The strategic aim of the program was “to reinforce progress towards a peaceful and stable society and promote reconciliation” by focusing on four key areas: social inclusion, cross-border cooperation, economic development and employment, and urban and rural regeneration (SEUPB, 1994:1). In total, the PEACE I Program funded over 13,000 projects in Northern Ireland through the work of community and voluntary groups, most of which fell under the theme of social inclusion (SEUPB, 1994:1). The target groups of this program were victims, ex-prisoners, women and youth. This early focus on addressing the needs of those affected by the conflict ignited a policy focus on social inclusion, victim support and promoting civic engagement in governance processes. By most accounts, the PEACE I Program was highly successful in achieving these aims.

Indeed, the PEACE I Program enabled civil society to increase social inclusion through encouraging grassroots organizations to play a vital role in the conflict resolution and peace-building processes (Buchanan, 2008:392). This aim was promoted by the District Partnerships, who were responsible for identifying promising groups and awarding funding to those groups to help them develop grassroots initiatives (Acheson and Milofsky, 2008: 71-2).

The government emphasis on promoting social inclusion of marginalized groups (e.g. victims) was embedded in the EU's post-Maastricht Treaty policy framework, which emphasized civil society's role in achieving the social inclusion objective (Acheson and Milofsky, 2008:72). It has been observed that the strengths of the PEACE I program were the de-marginalization of socially excluded members of society (e.g. victims), and the empowerment of civil society to engage in governance processes related to peace-building and conflict resolution (Buchanan, 2008:398). Many regard the PEACE I Program as having developed a platform for civil society to inform policymakers on a broad range of civic issues (cf. Guelke, 2003).



One problem with the policy, however, is that the EU did not provide any guidance on how civil society could achieve the objective of promoting social inclusion, nor how government could monitor and evaluate it. Some have claimed that PEACE I was a “plan for reinvestment [...] but without a vision as to how this might contribute to peace and reconciliation” (Harvey, 1997). This is evidenced by the fact that many of Northern Ireland's civic organizations, especially victims' groups, maintained a single-identity focus. As a result, the Program did not have a discernable effect on the relationships between Northern Ireland's two communities (cf. PriceWaterhouseCoopers, 2003).

Although the PEACE I program saw single-identity work as a legitimate contribution to the overall peace objectives, it was clear from the evaluations of PEACE I that a less exclusive approach to community engagement was necessary to meet the strategic aim of social inclusion (cf. PricewaterhouseCoopers, 2003). Thus, the aims of PEACE II were broadened with a focus on developing the social capital of civil society.

EU PEACE II Program 2000-2004 and PEACE II+ 2005-2006

Towards the end of 1999 and upon completion of the EU's PEACE I Program, the Special EU Programs Body (SEUPB) determined that there was a continued need “to reinforce progress towards a peaceful and stable society and to promote reconciliation” (SEUPB, 2006:1). Thus, from 2000 to 2004, another €531 million (approximately £370 million) was allocated to projects in Northern Ireland and the six border counties of Ireland on a ratio of 80 percent in Northern Ireland to 20 percent in Ireland (SEUPB, 2006:1). The two key aims of the PEACE II Program were “to address the legacy of the conflict and to take advantage of opportunities arising from the peace process” (SEUPB, 2006:1). The PEACE II Program had five main themes for which groups and individuals could apply for funding:

- Economic renewal



- Social integration, inclusion and reconciliation
- Locally based regeneration and development
- Outward and forward-looking region
- Cross-border co-operation (SEUPB, 2006:2)

Hence, the themes for projects under the PEACE II Program offered an extension of themes from the PEACE I Program in the areas of social inclusion, economic renewal, cross-border cooperation and regeneration with more of an emphasis on projects contributing to reconciliation. Significantly, over 5,300 projects were supported by PEACE II funding (SEUPB, 2006:2). Again, the majority of projects funded were based on the theme of social inclusion (SEUPB, 2006).

A significant component of the PEACE II Program was its emphasis on building cross-community relationships through civil society organizations (e.g. victim support groups). Drawing from the criticisms on the heavy focus of single-identity work under PEACE I, the SEUPB tried to encourage civil society to build bridging forms of social capital through cross-community engagement. In particular, PEACE II focused on developing social capital through targeting support for victims and other marginalized groups. However, the aims of increasing social inclusion through promoting social capital development in civil society was stymied by an overly bureaucratic and finance-driven sector (Buchanan, 2008) and a lack of clarity around key conceptual outputs of the program such as “reconciliation” (cf. Hamber and Kelly, 2009). Moreover, the leadership over the PEACE Program had shifted from Brussels to Belfast, and fell victim to political divisions at Stormont (cf. Acheson and Milofsky, 2008; Buchanan, 2008).

These problems led the SEUPB to revise some of its criteria for grants and in 2005 when the EU announced an extension of funding for the PEACE II Program to add an additional €144 million for projects through the end of 2006 (SEUPB, 2006:2).



The idea behind the PEACE II Extension Program was that it would provide more focused funding to civic organizations to promote the aforementioned policy aims. Unfortunately, however, the bureaucratic nature of the Program was strengthened, preventing genuine civic engagement with policymakers (cf. Buchanan, 2008). Additionally, there was a lack of appropriate criteria from which to decide on grant allocation. It has been observed that while PEACE I promoted participative democracy by enabling civil society to own the peace process, PEACE II and PEACE II+ have led to a more top-down approach whereby decision-making processes were taken over by the SEUPB and members of the Northern Ireland Executive (Buchanan, 2008:401). This situation has had negative implications for attempts to engage civil society in governance processes.

EU PEACE III Program 2007-2013

The EU allocated an additional €333 million for PEACE III to run from 2007-2013, to accommodate projects that promote that strategic aims of the PEACE Program (SEUPB, 2007). The Program is divided into two main priorities: 1) Reconciling Communities and 2) Contributing to a Shared Society (SEUPB, 2007). It delivers these priorities through four themes: to build positive relations at the local level; to acknowledge the past; to create shared public spaces; and to develop key institutional capacity for a shared society (SEUPB, 2007). These themes, which require a significant combination of single-identity and cross-community work, draw from the theoretical underpinnings of social capital. Thus, it is clear that PEACE III strives to continue to promote social inclusion and social capital development policies.

While maintaining the original strategic aims of the PEACE Programs, PEACE III enhanced the themes of building social capital through promoting better community relations and social inclusion. It is believed that PEACE III will be the last EU installment for Northern Ireland, although there has been speculation about PEACE IV. If PEACE



III is the last peace money installment for Northern Ireland, it will have a significant impact on the sustainability of civic organizations, victims' services and civil society's ability to participate in governance processes. If civic organizations (e.g. victim support groups) cannot sustain themselves financially once PEACE III funding has expired, there is a strong probability that many groups will dissolve and there will be less civic engagement in governance processes as a result. This impact will be discussed in the findings and discussion sections of this paper.

Northern Ireland Assembly's Victims' Strategy 2009 – 2019

One final policy development worth mentioning is the Northern Ireland Assembly's Victims' Strategy. The Victims' Strategy develops a 'victims-centred approach' built around three institutions: the Commission for Victims and Survivors, the Victims and Survivors Forum and the new Victims and Survivors Service (OFMDFM, 2009b:3).

The Commission has been operational since 2008 and the Forum has been through a pilot and transitional phase since 2009. In 2008, the government began consultation with the Commission for a new Victims and Survivors Service that "[would] replace all current arrangements under which OFMDFM provides funding to the sector" (OFMDFM, 2009a:3). The idea is that the new strategy would "be more comprehensive and responsive to the needs of individual victims and survivors and the groups and organisations that work in this area" (OFMDFM, 2009a:3).

According to this new strategy, the Victims and Survivors Service "would be responsible for providing support for individuals and groups and would provide that support in response to assessed and agreed need. The draft strategy links the work of the Commission and the Forum to the new Service" (OFMDFM, 2009:5). It is anticipated that the Service will replace the Community Relations Council's Core Funding Scheme (CFS), the Development Grant Scheme (DGS) and the Northern Ireland Memorial



Fund (NIMF), and "will allocate funding in a transparent and open way in accordance with a clear and published criteria" (OFMDFM, 2009a:12).

The aims of the Service, therefore, are: to provide better coordination of funding; to provide clearer links between support provided and actual needs; to use resources more efficiently; to develop sustainability; to improve good practice in the sector; to produce better outcome of outputs; to better understand individual needs; and to provide better evaluation of services (OFMDFM, 2009a:13). The remit of the Victims and Survivors Service falls under the Commission for Victims and Survivors (OFMDFM, 2009a:19). Thus, the Commission, through its three branches (the Commission, the Forum and the Service), will hold the majority of responsibility for victim support once all three branches are operational.

While the proposals for the new Service would seemingly provide a much more comprehensive and cohesive approach to victims' services, there have been serious delays in getting the Service off the ground. It was initially anticipated that the Service would be functioning by 2010. However, due to a series of delays – for which it is unclear who is responsible – it is more likely that the Service will begin operating in mid-2012 at the earliest. Although the remit of the Service would appear to streamline funding and services for victims and victim support groups, at this stage, no one apart from a couple of Junior Ministers at the OFMDFM and the Commission really knows how it will function.

Although the Victims' Strategy recognizes the value of victims' groups and expresses the need to engage victims with policymaking (OFMDFM 2009b:3), the strategy funnels the majority of funding through the Victims' Service and has excluded the majority of victims and victims' groups from the pilot and transitional Forums.



This has resulted in significant fears within victim support groups, as will be discussed in the next section, that the Service will draw funding away from civil society into a bureaucratic government institution; the implications of which will result in the dissolution of many groups, and the destruction of the social capital developed by the groups. If these fears are confirmed, the outcome will have a significant impact on the social inclusion and social capital policies promoted under the PEACE Programs. Thus, it would appear that the current state of victims' policy has met a paradigm shift which may further deteriorate the social capital of civil society, and therefore, the levels of civic engagement in governance processes. This theme will be explored in the next section of this paper.

Findings

The findings presented in this section of the paper come from the data collected during the interviews with victim support group leaders in the *Compromise* study. There are three key findings that relate to the theme of this paper. First, the data from the *Compromise* study shows evidence that victim support groups do contribute to social inclusion of victims. Second, victims' groups contribute to social inclusion by building high levels of social capital. The *Compromise* study found high levels of both bonding and bridging forms of social capital in victim support groups. Finally, the data shows that both victims' group leaders and policymakers are concerned about the destruction of social capital and the loss of a public platform for engagement with government as a result of the new Victims' Strategy. This section will explore these findings.

Victims' groups and social inclusion

The first significant finding of the *Compromise* study is that victim support groups do contribute to the policy aims of increasing social inclusion of victims. Out of the twenty-five victims' groups that participated in this research project, there was sufficient



evidence that all of them helped victims in their groups to overcome social isolation and marginalization. The means by which victims' groups achieved the social inclusion objective were generally through activities such as befriending, social functions (e.g. coffee mornings), respite trips and outings, as well as group counselling. Indeed, there was strong evidence that victims' in victim support groups benefited from the strong social network that exists within the groups.

The groups, in many cases, were like surrogate families for victims' – a place where victims could go where others had experienced similar trauma and could therefore understand each other. One leader described his group as providing “a place where people can come and we're all in the same situation. We all know each other and we are secure together. Before this [group], they wouldn't go anywhere because they weren't confident” (personal interview, 16 June 2011). This type of in-group bonding undoubtedly has benefits for helping victims' overcome social exclusion.

However, an interesting finding from the study also shows that although victim support groups have the ability to contribute to social inclusion of victims, too much in-group bonding has the reverse affect – in other words, it contributes to social isolation of group members. This was found to be true in groups whose focus was exclusively on single-identity work within a small community. This finding supports Putnam's constrict theory (2007) which states that too much in-group bonding will cause group members to hunker down and become not only less trusting of those that are unlike them (e.g. the other community), but also, they will become less trusting of those who are like them (e.g. one's own community). This finding has significant implications for policies aimed at promoting social inclusion and social capital.

Another outcome of victim support groups that has negative implications for the social inclusion agenda is that while members of groups benefited from high levels of social



inclusion, the same could probably not be said of victims' in communities who do not belong to groups. While the research on victims' group leaders did not extend to victims in communities who were not part of groups, it was believed by a number of group leaders that these victims' without a social network were less likely to benefit from the social inclusion that the groups offered.

One group leader explained:

"I was struck by the high percentage of people who were immediate victims that were not members of some organization. Why is that? So there is this issue of...part of it is I don't want anyone else to know what's going on...but it also comes down to the fact that they felt so demoralized and so betrayed to a degree by things they had placed a lot of trust in that they found it difficult to try to place that trust in something again. That was the first task I set about, trying to get those individuals involved with this organization, and thankfully they did and they have stayed with it. There's a remarkable change with some of these people" (personal interview, 6 June 2011).

The findings in relation to social inclusion, therefore, were mixed. While all the groups increased the social inclusion of group members, there were two dangers associated with the groups. The first danger is that members of the groups became socially isolated from the rest of society because of too much in-group bonding. The second danger is that victims not associated with groups are unlikely to reap the benefits of social inclusion that the groups create. Implications on policy and resolutions to these problems will be discussed later in this paper.

Victims' groups and social capital

The ways in which victim support groups improved the social inclusion of victims in the *Compromise* study were through the development of social capital. In fact, social capital development is one of the key strengths of civic organizations, and this is



especially true in victim support groups. This section will look at how victims' groups promoted social inclusion by building bonding and bridging forms of social capital.

The main type of social capital developed by victim support groups in Northern Ireland is bonding social capital. There are numerous reasons why this may be the case. First, victims' groups provide a platform for victims to bond around a shared identity: the victim identity. As one leader noted:

"The group came together just as the name indicates to offer support to one another because we had all come through a common suffering and there was that understanding that we wanted to support each other" (personal interview, 28 March 2011).

This means that that groups provided a supportive arena for victims' to bond around their common suffering and around issues that affect victims, such as social exclusion, welfare issues and the ongoing need to address their trauma through counselling. In this sense, bonding of social capital can be seen as a positive outcome of the work of these civic organizations.

The second reason why groups contribute to bonding of social capital is that the majority of victims' group leaders interviewed in this study perceived their role as one where they should engage their members in bonding activities. In fact, the findings reveal that the majority of victims' group leaders saw one of their main roles as bonding social capital through single-identity work, and this priority far exceeded any aspirations to bridge social capital through cross-community work. This priority was explained by one leader:

"I think people have to be happy and content and proud of their own existence and content and happy in their own skin. And if people are happy and content in their own skin and comfortable in it then they can reach out. But until they're happy...you can't do it" (personal interview, 7 March 2011).



Thus, although victims' policy, as evident in the PEACE Programs, placed an emphasis on bridging social capital, victims' groups have steadily engaged predominantly in bonding social capital.

The fact that victims' groups were found to be engaging primarily in bonding social capital activities was observed by policymakers: "Groups do tend to be exclusive to their own particular community. They are not always open to the challenge of opening up and broadening their perspective, unless there is a shared experience" (personal interview, 9 May 2011). Policymakers also found these types of groups to be problematic. Moreover, there was a noticeable aspiration on the part of policymakers to encourage victims' groups to move beyond bonding social capital. One policymaker stated, "I think you do need to protect them and safeguard people's rights to be single-identity, but clearly to move society forward you would prefer it if everybody, and failing that, as many possible are outreaching" (personal interview, 7 July 2011). That policymakers were concerned about victims' groups continuing to build exclusive bonds and therefore fail to achieve the aims of the social inclusion policy was clear. However, there were a significant number of groups that were also engaged in bridging social capital.

While noticeably fewer group leaders seemed concerned with bridging social capital, there were a few social engineers that saw their role as engaging their groups in a combination of single-identity and cross-community work. These group leaders sought opportunities (and funding) to establish and improve on relationships with groups from the other community. The types of activities that these group leaders promoted with their members including: cross-community residencials, story-telling and dialogue encounters, as well as artistic community projects, especially with youths.

In explaining how well cross-community storytelling projects have worked, one group leader noted:



"I think that [building social trust] is at the heart of what we do. [...] It is about how we build the social capital, how we build the social trust. How we break down the barriers. Only through the sharing of the stories, only through the getting to know the other, to understand to walk in the shoes of the other, do the commonalities far outweigh the differences. [...] Whenever you hear about people who have been hurt through the Troubles or other people who are there because they want to bear witness. That builds trust and it breaks down barriers" (personal interview, 18 April 2011).

In this sense, one can see how powerful bridging social capital can be at peace-building and conflict resolution.

The self-assessed evaluations of these cross-community projects were overwhelmingly positive and could be said to have increased trust to a level where group leaders felt that they could continue working on these cross-community relationships into the foreseeable future. Explaining how the process of trust is built, one leader observed:

"I think when you are working with people from an opposite point of view, you'll always find no matter how bitter they can be, or maybe how strong you are about your position, there will always be something that each of you will have in common. No matter what. It may be around sport and I think that's your building block. Your building block is, you find something that the two of you have in common, because that begins the process of dialog" (personal interview, 14 February 2011).

One can see from this excerpt that bridging social capital through cross-community work can be as easy as finding a commonality between groups, such as sport. Once a commonality is established, a trusting relationship can be developed.



It should be noted that policymakers were pleased with the bridging social capital that was developed by victim support groups, but policymakers did not always seem to know how to promote more bridging groups. In fact, one of the Victims' Commissioners stated:

“So, you ask how do we do anything about that and I say, very carefully. We’ve got to continue to be respectful of victims and accept their right to be where they are and at the same time set out for them how it might be in their best interests, in my view it is in their best interests, for them to be open to more inclusive ways of being and living. But at the same time there are just some people who are not fit for that and we’ve got to respect that” (personal interview, 21 July 2011).

The response from this policymaker almost seems defeatist with respect to the ability to encourage victims' and victims' groups to engage in bridging social capital. This is unfortunate, given that the study revealed that there are a number of group leaders who know how to engage victims in bridging social capital. Even where victims' groups were not engaged in bridging social capital, many group leaders expressed a desire to learn how to engage their groups in these types of activities. Thus, if policymakers would capitalize on the group leaders who know how to bridge social capital, this could spread to other civic organizations.

Although the aforementioned Victims' Commissioner seemed uncertain about how to promote more bridging of social capital in victims' groups, he did explain what he thought the ideal group should be doing:

“The role of victims groups should be to build community and maintain community along social networks among victims. To avoid isolation. To improve their sense of well-being. And their sense of esteem and dignity. And also to uphold the quality of life they should be able to live and to help society respond to victims needs and to help society move into a new generation that



is informed by the wisdom of the victim experience. For that to happen, victims have a contribution to make in terms of building the future because those most wounded can engage in difficult conversations out of which come social insights that will encourage other people who have been less directly affected” (personal interview, 21 July 2011).

Thus, this policymaker seems to be encouraging the social engineering that bridges social capital. At the same time, he is also suggesting that victims play a key role in informing policymakers about building the future – in other words, civil society should play a role in government decision-making. This suggestion has major implications for civil society's role in governance processes.

Perceptions of the Victims' Strategy

The last significant finding of the *Compromise* study related to the theme of this paper is the leadership and policymaker response to the Victims' Strategy. One will recall that the Victims' Strategy establishes the new Victims' Service as being at the apex of victims' policy going forward. Thus, the Victims' Strategy departs from previous victims' policy in two key respects. First, the Strategy moves away from the group-centred approach to building social capital. Instead it pours funding into the Service to handle victims' services. This change in direction of victims' policy also moves away from the EU PEACE Program aims of promoting social inclusion.

The implications of this change in policy have been perceived by victims' group leaders and some policymakers as having been ill-conceived and poorly planned, at best. At worst, there are fears that the strategy will destroy the social capital developed by victim support groups. If social capital is destroyed, this will have negative implications on the social inclusion of victims and the promotion of civic engagement in governance processes.



In explaining the reasons behind the shift in policy from the PEACE Programs to the Victims' Strategy, one Victims' Commissioner noted:

"I suppose an issue we're on to right now is government have wanted to move away from an approach to victims where money is being thrown at them. We would support that. Money can corrupt and build conceit and develop a notion that people have a right to everlasting grants. We're living in an age where the in the rest of society there won't be much sympathy for that" (personal interview, 21 July 2011).

While it is certainly true that the PEACE Program policies did appear to be "throwing money" at victims without a clear sense of what was expected for outcomes, this reversing trend of taking money away from the groups is equally, if not more problematic. There was a significant fear in the leadership of victims' groups that once the PEACE III funding ends and the money is shifted to the Service, the sustainability of many groups will collapse, and the social capital of the groups will collapse with them. As one victims' group leader opined:

"I think government is moving to the new Victims Service, and for many people they can't quite grasp what that's going to entail. If you want to call it the selling of it I guess you could say it's going to be a one-stop shop where everything's going to come from within. It's a nice label. It's attractive maybe from that point of view. But the devil's in the detail and I would have concerns that government because of its unwillingness to look at the evolution of individual victims groups, what they've started off with and where they've got their members to, where they want them to move them to the next phase...they're not doing it that way. They're coming up with an arbitrary set of priorities that they deem are in the best interest of the sector. Basically you fit within that or you're gone. I think many people will say it's a very purposeful exercise to streamline and to weed out the sector" (personal interview, 6 June 2011).



Thus, there are a number of concerns about how the Victims' Strategy and the Service in particular will affect the voluntary sector. For this reason, a number of victims' group leaders and policymakers expressed a desire to improve civic engagement with policymakers on victims' issues.

The opinion of one Victims' Commissioner was that "victims groups are in a primary position to inform the good of society. So we've got to find a way...in fact the 10 year Strategy envisages working with the sector in a way that enables victims to play their part in building the future" (personal interview, 21 July 2011). Presumably, this policymaker was referring to the Victims' Forum, which is the strand of the Commission for Victims and Survivors' work that involves victims and victims' group leaders to inform policymakers on victims' issues. Unfortunately, however, the membership of the Forum was highly selective.

There was no process for victims and leaders to apply to the Forum; members were appointed by the Commission on both the pilot and transitional Forums. This sentiment is reflected by the following statement: "There is a Forum for victims and survivors but it was a very selective group for victims and survivors and they chose people for that Forum and I don't think that was fair. There was certainly an outrage in this community that specific people who knew what to say and who had close contacts with key people in government were the ones who were put on the Forum and there's no advisory groups even in communities to feed into that" (personal interview, 14 March 2011). The findings from this project also revealed that policymakers had not yet considered how members would be selected or even when the official Forum would begin. Therefore, the Forum has been deemed by many victims and leaders to be unrepresentative of the victim constituency.

An additional concern of victims' group leaders was that the change in policy had led to a situation where government was no longer interested in engaging with the voluntary sector. One leader suggested that government start listening to the voluntary sector:



“I think government policy lacks connections to grassroots. Grassroots needs to be able to write to government and government needs to listen. I heard the term ‘joint up thinking’ and it’s a long way from the term and it actually working between government and civil society” (personal interview, 17 May 2011).

Thus, the leadership of victims’ groups and policymakers have both expressed concerns with the Victims’ Strategy and have expressed a desire to engage victims and victims’ groups in policy decision-making. The findings of the Compromise study, in relation to victims’ policy will be discussed in the next section of this paper.

Discussion and Recommendations

This paper reveals a number of problems that must be overcome in the case of Northern Ireland if government and civil society are to form a symbiotic relationship with respect to victims’ policy. This section will discuss each of the key issues raised in this paper and will present some resolutions to these problems. Finally, this section will make some policy recommendations on what the government can do to rectify these problems.

To begin, one will recall that the Northern Ireland Council for Voluntary Action (NICVA, 2006) recommended in their policy manifesto that civil society should engage with government decision-makers on policy. NICVA, recognizing that civic organizations possess the capacity to build social trust through the development of social capital, believe that civil society is in a primary position to promote social inclusion of marginalized groups (e.g. victims) and build social cohesion by breaking down sectarianism. Civil society, they say, have a role and a responsibility to help build a shared future.

Nowhere is NICVA’s policy more apparent than in the EU’s PEACE Programs. The same aims and objectives from NICVA’s manifesto are listed in the PEACE Programs’ strategy and working themes. This is not a coincidence. The framers of the PEACE



Programs recognized the value of civic organizations in peace-building and conflict resolution, and specifically built them into the design of these programs to help build post-conflict Northern Ireland. Knowing that civil society had a lot to offer, the EU PEACE Programs designers built in a platform for civil society to engage with policymakers – enabling civil society to “own” their peace process. The outcome of PEACE I was seen as enormously successful in the aim of engaging civil society in governance processes. Since PEACE I, however, there has been a disconnection between civil society and government.

It has been observed by some that PEACE II, II+ and III have failed to engage civil society in participative democracy in the same way that PEACE I did because of the transfer of authority and oversight from Brussels to Belfast (cf. Acheson and Milofsky 2008; Buchanan, 2008). This transfer of power caused the programs to fall victim to political division and bureaucracy. As a result, civil society gradually lost their platform for informing policy in Northern Ireland. Thus, even though PEACE II, II+ and III have all helped to encourage civil society to build social capital and improve social inclusion, this work is diminished by government’s lack of interest in listening to civil society.

Moreover, if PEACE III is in fact the last instalment of funding to civil society to promote the aims of peace-building and conflict resolution, this will have a major impact on the work and sustainability of civic organizations. Civil society groups have become dependent on these grants, and when the grants end, many groups will undoubtedly have to cease operations. Aside from the economic impact this will have, there will also be a major loss of social capital built by the voluntary sector. There is also firm evidence that the government is aiming to reduce the number of civil society groups, especially victims’ groups, that seem to be duplicating services or otherwise failing to contribute to government aims for victims’ policy.



The Victims' Strategy also marks a significant move away from policies aimed at participative democracy. The Victims' Service is designed to be a "one-stop shop" for victims' services that will be based on a competitive tendering process. It will, as policymakers see it, reduce the duplication of victims' services and provide a more cost-efficient approach to meeting victims' needs. On the other hand, because the Service will receive a gigantic portion of "victims' money" – that is government money allocated to addressing victims' issues – this will mean that victim support groups will receive fewer grants and many will have to close their doors to victims.

There is also evidence that the Victims' Strategy is aimed at maintaining a bureaucratic focus, thereby further diminishing the public platform for civil society to engage with policymakers. While it is understandable that government wants to produce policies that have a greater chance of addressing victims' needs in ways that failed under the PEACE Programs, such a change in policy is analogous to throwing the baby out with the bathwater.

Meanwhile, the fact that victim support groups may not be able to sustain their networks once funding comes to an end in 2013 is highly problematic. The loss of the groups will mean a loss of social capital and their ability to contribute to the social inclusion of victims. The loss of social capital created by the groups will not only have an impact on the group members directly, but will have wider societal affects.

It has already been established by social scientists that high levels of social capital are correlated with improved health and well-being, a decrease in the risk of dying from all causes, improved socio-economic conditions, an increase in civic engagement and greater participative democracy, and conflict resolution, while the affects of low levels of social capital are ill-health, shortened life expectancy, a lack of trust, economic deprivation, a decline in civic engagement and participative democracy, and the possibility to contribute to conflict (cf. Aldridge, et al., 2002; Berkman and



Glass, 2000; Herreros, 2004; Kawachi and Berkman, 2001; Nan, 2009; Putnam, 1993; 2000; 2007; Seeman, 2000; Wilkinson and Marmot, 2003; Varshney, 2001). Therefore, the diminution of victims' groups, and indeed, civil society, will have significant and predictable outcomes.

In addition to these negative outcomes, years of work towards improving social inclusion of marginalized members of society and the ascent of social cohesion will also be lost. Therefore, now is the time for policymakers to act to reverse these trends. There is evidence, at least, that the Victims' Commission wants victims to "inform" society about how to move forward, but they have offered a limited platform to a handpicked group of victims and victims' group leaders to engage with policymakers. If policymakers within the Commission are genuinely concerned that civil society should play a greater role in governance processes, they must find a way to overcome the fears of the sector that policymakers do not care about victims and do not want to hear from them.

One place that policymakers could start is by allowing victims and victims' groups to apply for positions on the Victims' Forum on an alternating basis. This would ensure that government decision-makers have an opportunity to hear from the voluntary sector, and that those informing policy are representative of the entire victim constituency.

Additionally, government should be ensuring victims' groups that their work will continue to be funded into the foreseeable future where groups have demonstrated the ability to build high levels of social capital and social inclusion. Groups that are found to be contributing to social exclusion (cf. constrict theory, Putnam, 2007) should be given the opportunity to change their working programs or they should have their funding withdrawn for a time.

Finally, given that the Victims' Commissioner recognized an ideal victims' group working program, and the *Compromise study* found group leaders that actively engaged their



members in activities that built on the Commissioner's aims and objectives, it would be prudent to engage these leaders in policy formation and training of other group leaders on how to build social capital and social inclusion.

Conclusion: Lessons Learned

This paper examined the role of victims' groups in achieving the government aims of conflict resolution and reconciliation through the development of social capital. This paper presented Northern Ireland as a case study to determine ways in which government policies aimed at building social capital for conflict resolution processes could be strengthened through the voluntary sector, and specifically, through victims' groups. In doing so, this paper revealed the strengths and weaknesses of government policy and the work of victim support groups in achieving the aims of government policy for social capital development and broader peace-building aims, such as improving social inclusion of marginalized groups.

The paper gave a brief explanation of the research design of the Compromise study that contributed to the findings presented in this paper. Then, the proposed benefits of social capital development for promoting social inclusion were presented, followed by an overview of relevant victims' policy in Northern Ireland. Next, the research findings from the Compromise Study, related to the work of victim support groups in building social capital and increasing social inclusion of victims were revealed. The findings were followed by a discussion of the implications of the findings on the effectiveness of victims' policy in Northern Ireland, and wider universal policy implications. Finally, the author drew some conclusions on the effectiveness of policy in the Northern Ireland case study and presented some policy recommendations for Northern Ireland. So what does this mean for lessons on promoting civic engagement in governance processes in South Africa and elsewhere?

Lessons learned

There are three universal lessons that can be learned from the policy and governance



mistakes in Northern Ireland. First, building a platform for civic engagement is crucial to promoting civic participation in governance processes. Second, social capital development is crucial to meeting the aims of building an inclusive, trusting and peaceful society that is engaged in participative democracy. Third, a bureaucratic top-down approach to peace-building policy (e.g. the Victims' Strategy) fails to capitalize on the strengths of civil society, equating to a missed opportunity for government to be informed by those with the greatest knowledge of societal issues. Each of these lessons have implications not just for Northern Ireland, but also for South Africa and other post-conflict societies that are looking to foster improved public engagement in governance processes.

"If you build it, they will come"

The proliferation of civic organizations and workers in the voluntary sector after the initiation of the PEACE I Program is evidence that if government makes a commitment to building a platform for the sector to engage with policymakers, civil society will come. Not only will they come, they will flourish. One of the key lessons from the peace-building process in Northern Ireland is that the earliest part of the peace process, which saw a huge upsurge in peace dividends, was so successful in part because policymakers took an inclusive approach to peace-building. That is, they sought the knowledge of grassroots civic organizations on how to promote the peace-building and conflict resolution aims of improving social inclusion. Moreover, in distributing peace money to civil society groups to promote policy aims, with relatively few strings attached, the government allowed civil society to "own" the peace process. This sense of ownership in peace-building ignited some of the most productive work towards conflict resolution in Northern Ireland.

Thus, the success of the EU PEACE I Program and early stages of the peace process provide a universal lesson for policymakers that "if you build it, they will come." For societies that will not have the same access to financial resources that Northern



Ireland has had (e.g. £3 billion over two decades), policymakers will need to come up with more creative solutions for providing the infrastructure that enables civil society to engage with government decision-makers. One approach might be to build upon the social capital resources of civil society.

Strengthening civil society by building social capital

Not all post-conflict societies will have access to the financial resources that Northern Ireland has had. Still, there are a number of ways in which all post-conflict societies can strengthen civil society in order to promote higher levels of civic engagement with policymakers. One approach that is proven by social scientists to strengthen civil society is to build the social capital of civic organizations. The Northern Ireland case study provides lessons on what to do and what not to do with respect to developing social capital.

Social capital development is crucial to the aims of building an inclusive, trusting and peaceful society. It has also been proven to contribute to higher levels of participative democracy. Countless studies have shown the tremendous benefits of high levels of social capital and the devastating impact of low levels of social capital. Thus, policymakers are provided with the emphasis for developing policies aimed at increasing levels of social capital in civil society. In Northern Ireland, while some policymakers sought to develop bonding and bridging forms of social capital through the work of civic organizations in the hopes of promoting social inclusion, the political divisions at Stormont led to a reversal in this policy. This was evident in the change from EU PEACE Program policies promoting social inclusion and civic engagement, to the new Victims' Strategy, which calls for more bureaucratic decision-making and a de-emphasis on social inclusion and social capital themed strategies.

The impact of this shift in policy is that much of the social capital that was developed under the PEACE Programs has been and will continue to diminish under the new



Victims' Strategy, unless government acts quickly to reinstate policies aimed at promoting social capital in victims' groups. It is this author's opinion that the government is right to move away from a policy that has created a dependency of civil society on grant money. However, the decision to draw the PEACE Programs to a close and filter victims' money through the new Victims' Service is like throwing the baby out with the bathwater.

There were problems with the PEACE Programs, to be sure, that led to a system of dependency and mobilization for resources in the voluntary sector. Yet, the solution to these problems should have been to find ways to build the social and human capital of the sector, drawing on the willingness of volunteers, and the knowledge of leaders, rather than moving to a strategy that will cut funding to groups, thereby ensuring their eventual failure. While there are certainly groups that contribute to negative forms of social capital (cf. "bad civil society," Chambers and Kopstein, 2001; constrict theory, Putnam, 2007), there are quite a few groups that have been doing a lot of good work in developing cross-community relationships and building social capital throughout society. These groups and the social capital that they have created will be diminished by the Victims' Strategy.

Therefore, while Northern Ireland's policymakers initially took a good approach to building social capital in the PEACE Programs and other early policy initiatives, the move to the Victims' Strategy will effectively undo much of the social capital that was built in the past two decades. This is rather unfortunate for the peace process, and should be taken as a lesson by other post-conflict societies as to what not to do. Thus, the lessons learned from Northern Ireland in relation to social capital are:

- 1) If government makes policies aimed at promoting social capital, the benefits are many and long-lasting for peace-building, conflict resolution and participative democracy;
- 2) On the other hand, if policymakers enact policies that eliminate the focus on



social capital and drawing on the social and human resources of civil society, the impact will be a diminution of social capital and civic organizations. If civil society is diminished, it cannot effectively engage with policymakers in governance processes. Therefore, policymakers should aim to promote the social capital development of civil society, while also enabling a platform for civil society to inform policymaking.

Missed opportunities

The third lesson from Northern Ireland is that a bureaucratic top-down approach to peace-building policy (e.g. the Victims' Strategy) fails to capitalize on the strengths of civil society, equating to a missed opportunity for government to be informed by those with the greatest knowledge of societal issues. The findings of the *Compromise* study on the leadership of victim support groups revealed that there is substantial creativity, knowledge and capacity for building cross-community relations in the victims' sector. Yet, policymakers have failed to capitalize on the talents of this leadership, instead focusing on bureaucratic top-down governance. The government's approach to policymaking, as evidenced by the Victims' Strategy, equates to a significant missed opportunity to draw upon the talents of the voluntary sector to inform policymaking. In the author's view, this is a serious mistake in policymaking, and should be reversed in Northern Ireland, and avoided in other post-conflict societies.

One paradox that came to light in the *Compromise* study is that although policymakers are intent upon going forward with the Victims' Strategy and administering victims' funding through the Victims' Service, they also spoke about the need to hear from victims and the voluntary sector to "inform" policymaking. This is ironic, given that the Victims' Strategy effectively removes the platform from which victims and victims' groups have been able to engage with policymakers. Instead, it introduces a bureaucratic top-down approach to governance. This leads the author to two possible conclusions on the state of victims' policy in Northern Ireland: 1) Either policymakers are just paying lip



service to the desire to include victims' and civil society in decision-making processes; or 2) Policymakers are ignorant of the impact that the Victims' Strategy will have on removing civil society's platform for informing government decision-making. Either way, this is the wrong approach to engage civil society in governance processes.

Therefore, drawing on the three lessons learned, Northern Ireland's policymakers should:

- 1) Abandon policies which create a bureaucratic top-down approach to governance;
- 2) Return to policies that promote the development of social capital and social inclusion of marginalized groups; and
- 3) Rebuild the platform that enables civil society to engage with policymakers. This could be as simple as improving the representation of the victim constituency in the Victims' Forum (or from a wider perspective, reinstating the Civic Forum) and continuing to fund civic organizations that have met the criteria of developing social capital and promoting social inclusion of marginalized groups. Finally, the lesson that a universal audience should take from Northern Ireland is that bureaucratic top-down approaches to governance deplete civil society's engagement with policymaking. Therefore, policymakers in other societies should consider ways in which they can provide a platform for civil society to engage with policymakers on governance.

Conclusion

There are no easy solutions to the problems inherent in post-conflict societies. What policymakers need to remember, however, is that there is a wealth of knowledge that exists within civil society on how to address peace-building and conflict resolution in post-conflict societies. Government must enable civil society to inform policymakers on how to implement the best policies for building a shared future. The analysis of Northern Ireland's policy is beneficial for policymakers in South Africa because it provides a comparative case study highlighting the most and least effective ways of

engaging civil society in governance processes. The lessons from Northern Ireland provide policy prescriptions for government and practitioners on how to bridge the identified gaps in policy and practice in order to foster improved civic engagement in governance processes.

Acknowledgements

The author would like to acknowledge the work of team members from the *Compromise After Conflict* study at the University of Aberdeen, whose efforts have helped the author in her research and writing. Specifically, the author would like to thank Professor John Brewer and Professor Bernadette Hayes for their supervision and support throughout the author's doctoral work. Second, the author would like to acknowledge the financial support of the Leverhulme Trust, without which, the research would not have been possible. Finally, the author would like to thank the study participants who sacrificed much of their valuable time to inform the research presented in this project.

More information about the *Compromise after Conflict* study – including the South Africa, Northern Ireland and Sri Lanka case studies, can be accessed at <http://www.abdn.ac.uk/compromise-conflict/>.



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Brian Wampler, Presenter from Brazil and the sign language interpreter

Citizen Participation and Participatory Institutions in Brazil

Introduction

Over the past two decades, Brazilian municipalities have been at the leading edge of democratic innovation. New democratic institutions now permit citizens to directly participate in budgetary and policymaking processes. Local states have been reformed to expand how policy experts and government officials work with citizens and civil society organizations (CSO). Citizen empowerment has increased as citizens and CSO leaders are now involved in complex policymaking processes. Brazil, long recognized as one of the world's most unequal countries, changed significantly in the 1990s and 2000s due to economic stability and an economic boom, extensive state



involvement in providing of public goods to Brazil's poor, and institutionalization of participatory policymaking venues.

The mobilization of civil society during 1970s and 1980s while Brazil was governed by a military dictatorship helped in the push towards a new constitution. The 1988 Constitution permits local governments to adopt new ways of allowing citizen participation. In some policy areas, such as health care and education, citizen involvement in municipal and state participatory institutions is now required by federal legislation. There is wide variation in how municipalities and states have made use of the new participatory venues. Some local governments limit the role that citizens can play in policymaking and seek to minimize the impact. Other local governments have strongly promoted the use of the institutions as a means to enhance empowerment, better target funding to poor communities, expand public deliberation, and reform administrative processes.

The chapter narrows the lens to the city of Belo Horizonte, Brazil to show how the government has creatively developed multiple participatory venues to incorporate citizens' voice directly into policymaking. There are now three principal forms of popular participation that are broadly used in Belo Horizonte: participatory budgeting, public policy management councils, and policy conferences. The Participatory Budgeting (PB) regional program mobilizes 40,000 citizens for biannual face-to-face meeting. PB Digital counts on an average online participation of 150,000 citizens. PB Housing has over roughly 15,000 individuals involved in seeking solutions to basic housing needs. In addition, Belo Horizonte now has 41 municipal-level public policy management councils, 52 regional councils, and 571 local councils are in place.

An average of 16 policy-specific conferences is held every two years. This complex participatory governance system allows citizens both to put their issues and themes on



the agenda and to have their say in the selection and implementation of concrete public works. Extensive public participation process serves several objectives like enhancing transparency and legitimacy, using skills and resources of the population, reducing corruption and clientelism, fighting against poverty and inequality and strengthening democracy.

1. Background

The Federative Republic of Brazil is the largest country in Latin America and the world's fifth largest country, both by geographical area and by population (200 million inhabitants). Brazil is the largest national economy in Latin America, the world's eighth largest economy at market exchange rates and the ninth largest in purchasing power parity (PPP). Brazil has a free market economy with abundant natural resources. It has large and developed agricultural, mining, manufacturing and service sectors, as well as a large labor pool. Brazil's Human Development Index (HDI) rose from 0.808 in 2006 to 0.813 in 2007 and ranked 75th on the list released by the UN Development Program (UNDP). To determine a country's human development levels, the UNDP takes into consideration its per capita GDP, illiteracy, school enrollment rates, and life expectancy indicators. Despite its elevated HDI, Brazil is still a country with many social inequalities, ranking among the top 10 most unequal countries in the world.

City

Belo Horizonte is the largest-city and capital of the state of Minas Gerais. It is a planned city and it was inaugurated in 1897. It is the sixth-largest metropolitan area in the country. Belo Horizonte has a population of 2,452,617, and almost 5.4 million in the official Metropolitan Area. Belo Horizonte's HDI is 0,880. During Brazil's economic industrialization during the 1950s and 1960s, Belo Horizonte became a leading industrial site. Fiat, Mercedes Benz, and Caterpillar all have large industrial factories in the metropolitan region. Belo Horizonte and Minas Gerais have long been important



politically. At the beginning of the 20th century, Belo Horizonte and São Paulo were the key states providing support to the new democracy. Brazil experienced a military dictatorship between 1964 and 1985. During the re-democratization period in the 1980s, the first civilian president elected (albeit selected by the Congress) was from Minas Gerais. The current president of Brazil, Dilma Rousseff, was born and raised in Belo Horizonte.

2. Background and purpose of participatory institutions

Participatory governance is part of a larger effort in Brazil to extend and deepen actual, existing democracy. Since the reestablishment of democracy in 1985, Brazilian politics have continued to be dominated by traditional patronage practices, social exclusion, and corruption. Numerous governments, NGOs, social movements, and political parties have turned to the ideas, values, and rules associated with participatory budgeting in an effort to improve policy outcomes and enrich Brazil's young democracy. One of the reasons why participatory budgeting is transferable to other locations, especially in developing countries, is that clientelism and social exclusion are everyday realities in many parts of the developing world.

Advocates of public participation in Brazil hope that these programs will begin to address basic social and political exclusion that the country currently confronts. Direct participation is believed to increase citizens' knowledge, connect to a broader community and produce empowerment as they become active subjects in making their own histories. By including oversight mechanisms, advocates hope that public resources will be used more effectively. The inclusion of public deliberation now allows for citizens to hold government officials accountable for their actions. This is obviously a long-list of desired outcomes. The advances are thus often partial. Some programs may advance oversight while empowerment is the key outcome elsewhere. The political and social change associated with these programs occurs at an incremental pace.



3. Institutions

3.1. Participatory Budgeting

Participatory budgeting began in 1989 in the municipality of Porto Alegre, the capital of Brazil's southernmost state, Rio Grande do Sul. Porto Alegre has more than 1 million inhabitants and is wealthy by Brazilian standards. In 1988 the Workers Party, a progressive political party founded during the waning years of the 1964–85 military dictatorship, won the mayoral election. Its campaign was based on democratic participation and the “inversion of spending priorities”—that is, the reversal of a decades-long trend in which public resources were spent in middle- and upper-class neighborhoods. Participatory budgeting was intended to help poorer citizens and neighborhoods receive larger shares of public spending.

The Workers' Party (PT) and the Brazilian Socialist Party (PSB) have governed the city of Belo Horizonte together since being elected in 1992. The political coalition has been re-elected 4 times. One of the pillars of their governing strategy has been the use of participatory institutions to guide their policy-making strategies. The governing strategy has been to broaden the number of access points to allow citizens and community leaders to influence the shape of policy outcomes.

Participatory Budgeting

PB Regional, founded in 1993, mobilizes participation in all nine city regions; deliberations focus on the allocation of resources for public works (paving, sewage, health care clinics). PB Regional defines the investments in all nine administrative regions of the city of Belo Horizonte. Citizens select public works for the two subsequent years. In addition to the investments, the population elects its representatives to monitor the implementation of this public works. About 4-5 percent of the two-year discretionary spending (2009/2010: US \$60 Million) is allocated by this participatory process.



Table 1

Desired outcomes and unintended consequences

Rule	Desired outcome	Unintended Consequences
Establish district boundaries	Improve efficiency accountability, and decentralization. Intra-district competition over resources.	Meetings at district-level may limit the formation of citywide CSO networks. Small groups within district may be unable to mobilize sufficient numbers to secure projects.
Year-long series of meetings	Higher participation produces greater deliberation and potential for empowering citizens.	Mobilization becomes an end to itself to secure resources; “inattentive” participation as people attend meetings with the sole purpose of voting for their specific policy proposal.
Quality of Life Index	Promotes social justice by allocating increased resources to dense, low-income districts. Encourages participation by having citizens compete within their region.	Poor neighborhoods are not uniformly distributed so small, marginalized populations may not receive benefits. Well-organized groups benefit at the expense of the poorly organized and small groups; Discourage participation among unlikely recipients.
Bus Caravan of Priorities	Promotes solidarity and greater information by allowing delegates to see site of proposed project.	Delegates lack basic skills to be able evaluate need and are more likely to be swayed by passionate appeals.
Elected representatives vote on final projects	Reducing the number of projects is best suited to smaller numbers of participants.	This can lead to a process dominated by community leaders; instead of a citizen-oriented process, community leaders dominate PB.
Election of a municipal-wide council	A small body of citizens negotiates directly with government and legislative officials in order to reduce inefficiencies, enhance quality of debate, and make difficult decisions.	A small group of community leaders may use their access to government officials to promote their own interests; creates a new type of political actor that may not be accountable to their base of support.
Government provides participants with detailed financial information	Education of public on financial information.	Participants are dependent on government for information; difficult to produce verifiable information outside of government chambers
Formation of Neighborhood committees to monitor PB	Transparency Accountability	Participants are dependent on government for information; difficult to produce verifiable information outside of government chambers.

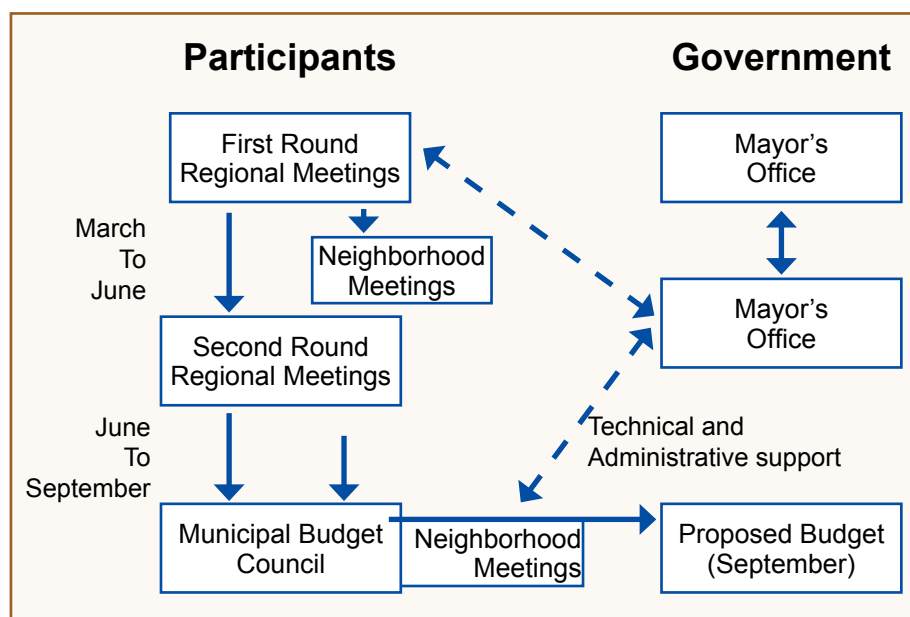
Source: Wampler 2007



The flowchart below, Figure 1, shows the yearly cycle and the division of responsibilities for governments and citizens.

Figure 1

Yearly Participatory Budgeting Cycle



Source: Wampler, Brian. 2001.

Belo Horizonte is divided into different areas to better structure the participatory budgeting process:

Municipal level

Regional level (nine regions)

Local level (42 sub-regions)

Neighborhood level



Each of the nine regions is divided into 3 to 6 sub-regions. Moreover the municipality divided these nine administrative regions into 80 Planning Units. The sub-regions and Planning Units are grouped according to similar characteristics and needs (number of inhabitants, socioeconomic characteristics, physical barriers, occupation pattern, proximity etc.). The budget available for each of the nine regions is determined by two factors:

Resources for the Participatory Budget are split between the Planning Units, according to the Quality of Life Index (IQVU²⁰) and the number of inhabitants. Thus, the lower the quality of life (measured by IQVU) and the higher the population in a particular Planning Unit (PU), the more resources the region will receive.

The second factor refers to the level of participation. If not enough people participate in the sub-regional forums, the budget can be decreased. The minimum of participants in each sub-region is determined by the municipality, considering the population of the sub-region. However, regions cannot increase their budget through reaching higher participation than demanded.

PB Regional is divided into nine phases:

1. Openings at municipal and regional levels:

Every interested citizen can participate in the municipal opening and the openings on the nine regional levels. During this first phase, the PB regulations and guidelines are presented to the participants and the application forms for raising demands are handed over to the community. Citizens are also informed about the current budgetary policies and the public works projects undertaken within the last two years. During the openings, the participants also exchange ideas on how to better organize their community (e.g. improvement of schools, hospitals, roads etc.).

²⁰ IQVU is an index composed of 38 indicators covering 10 different variables that have different weights in the final calculation. (Supply, Culture, Education, Sports, Housing, Urban Infrastructure, Environment,

Health, Urban Services, Urban Security) and calculated for units of City Planning. The index measures inequality in terms of availability of goods and services identifying the areas most in need of investment.



2. Forums at neighborhood level:

During the second phase, citizens discuss priorities and projects that they want to implement in their neighborhood in self-organized forums. The organizers of the forums need to take minutes of the meetings to prove that a minimum of 10 people attended the forum. Depending on the amount of participants the forums take place in schools or even at peoples' homes. After the meetings the project proposals can be submitted to the municipal administration. The deadline to submit project proposals ends one month after the respective regional meeting took place.

3. First approval of submitted project applications:

During the third phase, the project applications get approved by the municipality and the responsible ministries. If an application does not fulfil the regulations and guidelines (e. g. projects should not only lead to individual benefits) or if the technical and financial feasibility is questioned, the nominators will be informed and get the chance to revise the application.

4. Forums at sub-regional level:

The fourth phase is carried out in the 42 sub-regions. During this phase, the residents in each sub-region discuss the submitted projects. The nominators of the projects lobby for the undertakings that they submitted. Before the participants pre-select the desired undertakings, they are informed about the budget of their sub-region. In total, every region can nominate up to 25 projects. Prior to the meetings, community leaders negotiate with each other in order to obtain support for different projects. In addition, the projects are presented to the general public during the open deliberative forums, thereby giving citizens the opportunity to convince others to support their projects. At the end of the sub-regional forums, the participants can elect the delegates to the regional forum. In 2010, 1.700 delegates were elected in all of the nine regions. The number of delegates for each sub-region depends on how many people participated in the forums. Persons need to be at least 16 years old to become a delegate.



5. Second approval of submitted project applications:

After a region's projects have been identified, city officials visit all the project sites to develop a technical appraisal of the viability of the proposals.

6. Caravan of priorities:

The municipality provides information on the background and the costs associated with every project proposal to the delegates that were elected in the previous phase. The delegates will then visit the areas of the 25 pre-selected public works in their region to get a better understanding of the undertaking and to gain a broader vision of the region's needs. The purpose of the caravan is to encourage a spirit of altruism amongst the delegates before they decide which projects are to go ahead in their region. The caravan of priorities takes place at weekends. Buses are provided to the delegates to visit all the sites. Each delegate gets the opportunity to lobby for his/her project.

7. Forums at regional levels:

At regional forums, the delegates discuss and select up to 14 undertakings per region amongst the 25 pre-selected projects (126 city wide). The regional forums take place one week after the caravan of priorities. The budget to implement the 14 projects has to be in accordance with the budget assigned to the region. In 2009/2010, a total of 109 public works was approved via the regional PB process. After the selection of the projects that will be implemented, the delegates elect representatives for a municipal council and nine regional commissions. The role of the representatives is to follow up the implementation of the projects. The number of representatives for each region depends on the number of inhabitants of the respective region.

8. Official closing of the process at municipal level:

Official closing of the regional PB process at municipal level where the selected undertakings are presented.

9. Implementation and monitoring:

During the last phase, the regional representatives decide together with the city's representatives about the final budget to be adopted by the local council. Together with the city representatives, the regional representatives will monitor the contracting and constructing of the selected projects over the next two years. The representatives meet on a monthly basis.

PB Housing

PB Housing, founded in 1996, mobilizes citizens who lack decent housing and have a monthly household income of less than US \$400. It was separated from PB Regional due to the complexity of housing-related issues—property rights issues, cost of construction, and the distribution of specific housing units to private individuals. Every two years the government hosts a policy conference where they select PB Housing delegates, who work with government officials and the 175 registered organizations.

At the core of PB Housing are the leaders of CSOs. These leaders gather information from government officials and work with other CSOs as they seek to influence future policy initiatives. During the 1990s and 2000s, over 3000 apartments were built, thus allowing nearly 16,000 individuals to move to regularized housing units. However, there is a massive housing shortage, which means that this program meets a small portion of demand.

PB Digital

In 2006, the City Hall of Belo Horizonte launched the “Digital Participatory Budget” (DPB), which, differently from PB Regional, does not require physical presence of participants, which means that the process took place only through online voting using individuals' voting identification number. In 2006, Belo Horizonte's City Hall invested a total of US \$15million in the digital PB projects. This was increased to US \$45 million. The purpose of PB Digital is to expand the type of public works selected by citizens as well as to induce participation among middle class and youth sectors.



Through the website <http://opdigital.pbh.gov.br> any citizen with a voter identification from Belo Horizonte could choose nine out of 36 projects (one project per region), pre-selected by the City Hall, and by associations, citizens and delegates linked to the regional PB.²¹ Voting in all regions was optional, which means that citizens could vote for one project in their own region. In order to minimize problems related to the digital divide in the project, the City Hall installed several voting kiosks (about 170), vans and internet access points throughout the city, e.g. in schools, in the central market or in shopping centers. The 2006 PB Digital website presented basic information about each project, such as costs, location and pictures. In addition, online participation tools were also offered, such as e-mail and discussion forums. It was not mandatory to discuss before voting.

The process in 2008 was very different from the first one. Only one project for the entire city was to be implemented. Citizens could choose this project out of five project proposals. These proposals were selected only by the municipality without the participation of neither associations nor citizens. Moreover, all the proposals were meant to improve Belo Horizonte's traffic. The municipality also reduced the days that people could vote for the project from 45 to 28 days.

Besides online voting, a toll free telephone number was provided for voting in 2008. 11,483 voters used the phone service, which represented about 10% of the total amount of votes. 80 percent of the rest used a private internet access, whereas only 10 percent took advantage of the 270 public access points.

To mobilize citizens to participate, around 800 people were trained to give advice to interested citizens at 270 official voting kiosks. These kiosks were aimed at citizens who did not have internet access in their homes; those with reliable and fast internet could participate from their homes or offices. The DPB process was also advertised via TV, radio, internet, banners and even via electricity bills and payrolls. There were several innovations in terms of digital tools and content. A major improvement was

²¹ In Brazil, voting is compulsory. Each citizen between 18-70 years must vote or justify his or her absence.



the inclusion of pictures showing the current roads “before” and “after” reconstruction. The 2008 DPB’s website also provided details on each of the projects, pointing out the impact, costs, benefits and beneficiaries. Another innovation was the use of virtual maps to identify the projects’ location and the public access points to use the internet.

Finally, participatory tools were expanded. Besides the reactivation of the discussion forum, two new features were implemented. The first one was the possibility of posting online comments. For each project, there was an option to leave a message without having to register. The second feature was a chat that could be used at pre-scheduled dates. Via the chat representatives of the “Planning, Budget and Information” office received questions, suggestions and criticism from the citizens. In total, four chat sessions took place. After the vote, the forum and chat were shut down. The discussions that took place are not documented on the current website. The comments that were posted on the website before the vote can still be accessed. However, it is not possible to post new comments.

The implementation of the projects that are selected via the digital PB process are also monitored by the delegates that monitor the regional PB projects. Information on the process of the implementation is provided via the bi-monthly newspaper and the internet.

In sum, Participatory Budgeting is now a broader umbrella category that is premised on the ability citizens to be involved in deciding budgetary allocations. PB regional allows citizens to select public goods for implementation in their neighborhoods. PB Housing narrows the focus to a single, although of great importance, policy arenas. Finally, PB Digital allows citizens to engage in a much more limited fashion while permitting them to make decisions that focus on a larger public.

A key lesson is that programs change over time and can be modified to address new political and policy changes. CSOs and government officials typically work together to devise the rules and policy arenas to be addressed

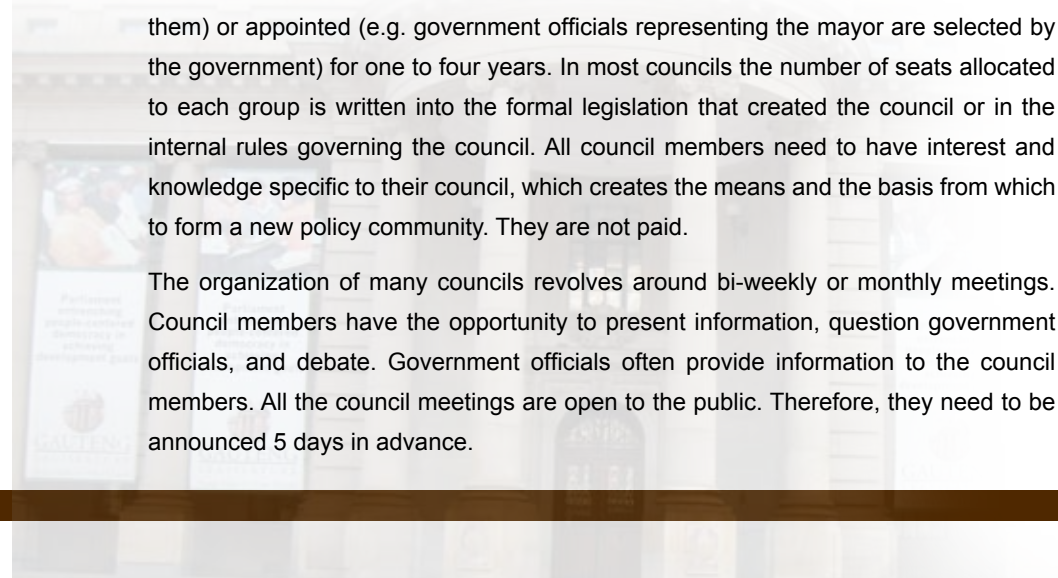


3.2. Public policy management councils and conferences

Councils function in thematic public policy areas—education, health care, housing. The councils are granted two principal responsibilities. First, council members have the authority to approve new programs and the annual budget for the corresponding agencies. The second responsibility of council members is to engage in oversight — verifying that resources are allocated correctly, bureaucratic units are following rules, and that service providers (outsourcing) are adhering to their contracts. This oversight mechanism helps to produce accountability. These two sources of authority allow them to engage at different moments of the policy cycle, from proposing policies to oversight of government policies.

Seats in the Councils are allocated to five types of actors: Civil society (individuals or representatives of organizations), labor unions, government officials, service providers, and policy experts (often university faculty). Not all councils include all five types, but representatives of civil society, labor unions, and government officials are active in most of them. Representatives may be elected (e.g. civil society organizations compete amongst themselves, unions hold internal elections for seats guaranteed to them) or appointed (e.g. government officials representing the mayor are selected by the government) for one to four years. In most councils the number of seats allocated to each group is written into the formal legislation that created the council or in the internal rules governing the council. All council members need to have interest and knowledge specific to their council, which creates the means and the basis from which to form a new policy community. They are not paid.

The organization of many councils revolves around bi-weekly or monthly meetings. Council members have the opportunity to present information, question government officials, and debate. Government officials often provide information to the council members. All the council meetings are open to the public. Therefore, they need to be announced 5 days in advance.



Much of the detailed policy work of the councils is carried out in subcommittees. These committees conduct research, draft policy proposals, and engage in oversight. They then report back to the larger council in order to advance the council's work. In the better organized councils, there are multiple subcommittees that are tasked with specific problems.

Complementing the public policy management councils are **policy-oriented thematic conferences**, which are held at the municipal, state, and federal level of government. Most conferences take place over one or two days every 1 to 4 years. They are attended by interested citizens and community leaders. The longer conferences, such as housing and health care, had over 1000 participants each in 2010. A key responsibility of the participants is to propose, discuss, debate, and then vote on general policy proposals. This helps orient government officials to think about which policy programs they might want to address.

Many conferences are linked to the public policy management councils in the thematic areas. At a weekend-long conference, participants deliberate over policy options and seek to define clear policy agendas for their area. For example, in one year, a health care conference may focus on mental health, encouraging the government to address the issue. In another year, the health care conference may decide that the most pressing issue is family health and those works with the government to strengthen these programs.

4. Impact/Outcome

There have been multiple impacts generated by the extensive participatory system in Belo Horizonte. The impacts are wide-ranging and include the direct incorporation of citizens' votes into governmental policy, the building of public infrastructure and the involvement of thousands of citizens in public policymaking processes. It is important to emphasize that change associated with these programs is incremental



4.1. Achievements on policy area/project targets

PB Regional's rules allow us to clearly document if citizens' policy selections are being implemented. Between 1993 and 2010, citizens approved 1303 projects and the government built 1048 (80,4%) of those projects. The projects not yet implemented are delayed because of their complexity, legal disputes or, most commonly, they were selected by citizens in 2006 or 2008. In addition, citizens approved 6,668 housing units, of which 3,323 had been completed (50%). There is a lower percentage of housing units built than other PB projects because of the legal complexities associated with land tenure, the cost of purchasing land, and the cost of building the units. Overall, the government has spent over 517,4 million € on PB projects between 1993 and 2010.

A key issue is *where* these resources are being spent. The PB programs' basic principles are based on social justice, which means that the Workers' Party government would attempt to allocate resources to poor communities and shantytowns. PB Regional resources are distributed based on the Quality of Life Index (IQVU) and on citizen mobilization.

The evidence, in Table 2 below, clearly shows that the resources spent in participatory budgeting were allocated in poor vilas e favelas.

Table 2²²

1000 PB Public Works Projects, Social Vulnerability Index: 1993-2008

Social Vulnerability of region	# of Public Works	Population	% of total city Population	Resources spent US dollars	% of total Resources in region
High	529	761,453	34	312 Million	57
Medium	350	849,611	38	180 Million	33
Low	121	627,224	28	55 Million	10
Total	1000		100	547 Million	

Source: PMBH. 2009.

²² This data was provided by Rodrigo Nunes Ferreira (PMBH-SMAPL). His efforts to produce data is greatly appreciated. Thanks to Rodrigo Nunes, Ana Luiza Nabuco and Verónica Campos for their assistance.

This evidence shows that 57% of the total resources spent in PB went to the poorest regions that housed 34% of the population. This is clear evidence that the Workers' Party government is fulfilling its commitment to supporting programs and policies that distribute resources in poor communities. This produces credible state commitment to the decisions made by citizens. The drawback is that the level of resources committed to PB Regional has declined as a percentage of the government's discretionary spending. Government officials have maintained PB Regional but they have also decreased their financial support.

4.2. PB Digital

There are now large numbers of people participating in different venues across Belo Horizonte. The first table, below shows the number of people who participated in participatory budgeting in 2006 and 2008. The PB regional participation rates are similar for the 1996-2004 period and the rates are similar to other successful PB programs in Brazil (e.g. Porto Alegre, Recife, Fortaleza).

Table 3

PB Digital

	2006 PB Digital	2008 Digital	2011 Digital
Participants	172,938	124,320	Ongoing; not yet available
Budget	US \$15 million	US \$25 million	US \$35 million

Source: Secretaria Municipal Adjunta de Planejamento e Gestão / Gerência do Orçamento Participativo

The 2006 PB Digital reached 172,938 participants, representing around 10% of the electorate in the city. In addition, participation in PB Digital had a younger and wealthier participant than PB Regional. Thus, PB Digital serves the purpose of expanding who participates in government.

Another way to measure impact is to assess the number of participatory positions established in Belo Horizonte. Table 4, below, shows the broadening of the number of institutional openings for citizens, union officials and government officials to be



directly involved in public policy management councils. There are 9 regions within Belo Horizonte. The local level is the neighborhood level and includes public facilities such as health care clinics, and schools.

Table 4

Co-governance Venues and Formal Representation for Citizens, Government Officials, and Unions in 2009-2010

# of	Municipal	Regional (9)	Local	Total
Participatory Governance Venues	41	52	479	571
Seats for Citizens/CSOs	309	377	2725	3898
Government Officials	325	124	1406	2041
Union Officials	35	132	141	308
Service Providers	64	N/A	N/A	64

Table 4 shows that government officials and citizens are now actively engaged in working with each other. There are multiple opportunities for citizens to raise questions and concerns. In addition, roughly 9,000 people participate each year in public policy conferences, thereby expanding and furthering the debate. This creates greater opportunities for public learning, for accountability, and for forging government-society cooperation.

4.3. Impact on democratic capacities

The involvement of citizens in councils and conferences had the effect of greatly expanding the number and range of voices in the policymaking process. The institutionalization of an elaborate participatory governing or "co-governance" process blurs the line between state and civil society as many civil society organizations (CSOs) are now inserted directly into the state apparatus via participatory institutions. Government officials, in turn, have direct access to community leaders as they work in tandem to find political and policy solutions to a wide range of problems.

Participatory governance expands the boundaries of representative democracy through an increase in the number of institutional venues that allow citizens and civil society leaders to directly engage in policymaking processes. These venues and policy decisions complement, rather than replace, the logic of representative democracy because the institutions are housed within an already strong executive branch (mayors, governors, president). Thus, the new policy community creates a process of permanent and on-going dialogue among policy elites and community leaders to allow them to develop common understandings of the problems; these informal contacts, which are parallel to the formal meetings, is a crucial bonding element that generates trust, shared understandings of policy problems, and an increased awareness of the difficulties faced by states and citizens as both parties seek to devise policy solutions.

5. Concluding thoughts

Participatory governance is now a consolidated part of the policymaking process in Belo Horizonte. Politicians, bureaucrats, and citizens are now habituated to using co-governance within the policymaking process. We should expect that there will be changes—newly elected government officials may place different emphasis on different programs and formats. Or the changing strength of civil society organizations will change how they seek to use these institutions. This is a dynamic process rather than frozen institutional format.

An ongoing challenge for government officials and citizens participants in these co-governance processes is how to maintain their vitality. There is a burden on the government to encourage employees to find new ways to present information, to mobilize citizens, and to ensure that the programs respond to demands. A commonly heard fear is that the process is becoming too “routinized,” whereby everyone plays a predetermined role. From the perspective of citizens, they are in a bind. They must continue to pressure government officials to ensure funding for their programs, but they know that if their criticism is too strong that there is a real possibility that government officials could



withdraw support. In addition, the co-governance institutions are increasing complex and interlinked. These means that community leaders need to have more and more information, which places a great burden on long-time leaders and is discouraging for new leaders because they often lack basic information and knowledge.

Another lesson learned is that our evaluation of the potential impacts must be evaluated at several different levels. We must begin by assessing the impact of public policies on social well-being and public works implemented. We must then turn our focus to how citizens are expanding their base of policy and political knowledge as well as how they are engaging with public officials. Engaged participation more closely links community leaders and governments, which produces positive and negative outcomes. On the positive side, we see that citizens are able to hold government officials accountable, that they have input on which public services should be delivered, and that they are able to ensure better service delivery through better oversight. However, clientelism and patronage politics still find their way into co-governance due, in part, to the intense conflict between government officials and community leaders.

A challenge for citizen participation and participatory governance is how to ensure that the most vulnerable members of the society, often the very poorest living in the worst conditions, are able to gain access. Belo Horizonte has been strides in this area as the smaller Planning Units are targeted to ensure the participation of the poorest sectors of the city, but it remains very difficult to organize and mobilize these sectors. This is an ongoing challenge, not just in Belo Horizonte, but in most places that have participatory governance institutions.

Part of Brazil's remarkable successes of the past 15-20 years is due to the changing nature of state-society relations. Citizens are now involved in multiple participatory programs, from participatory budgeting to municipal councils to policy conferences. This involvement increases citizen knowledge and places pressure on government officials to produce better policy outcomes.



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Contextual Constraints Affecting Women Participation in Local Governance:

The Kenyan Case Study

Abstract

This paper analyses the diverse societal, institutional and individual factors that account for low participation of women in local governance in Kenya. The research sought answers to five broad questions (focusing on Structures, processes, practices and impact) about women participation in local governance: Do local government officials think it necessary to involve women in local governance? What specific measures



have been put in place to ensure 1/3 presence and participation in local governance as required by the Constitution of Kenya 27th August 2010? What are the most common methods that local government officials currently use to involve women in governance at this level? Do local government officials think that these methods are effective? If they are effective, why are they so? Or if they are not effective, why not? Are there particular practices that managers would recommend others adopting or avoiding?

Both primary and secondary sources of information have been utilized to put this discussion into proper perspective. Secondary sources of information included published and unpublished reports, records, documents and discussions. Primary sources included the data collected by the researcher by use of i) questionnaires administered to local government personnel concerned with devolution support program ii) Structured interviews iii) focus group discussions, and personal testimonies of women and men councillors. All these sources together, provided an insight into the problems, issues and dilemmas that women face towards their effective participation in local governance.

The questionnaire sought information on the range and extent of women participation initiatives being used by local authorities. It covered a variety of approaches that local authorities use/may use to enhance women participation, including those that seek the views of the public (women and men); increase involvement by women in decision-making; enable the women to determine or influence policy on a specific issue; The survey also obtained information on who and how often authorities consult; the sorts of issues they consult on; as well as the perceived benefits of, and obstacles to, involving the public (women and men). The findings indicate efforts made at different levels through policy enactment and legal frameworks to enhance an inclusive environment for participation in governance. Despite these efforts several barriers ranging from



women's own gender, social and cultural environment in which the women live, slow process of implementation of policies, gender streaming among others.

Since women's passive representation in governance has critical implications for gender sensitive legislation, resource allocation, utilization of human resources, the paper recommends measures such as review of local government policies; gender awareness and mainstreaming, capacity building, networking and mentoring among others, to facilitate their effective participation.

Introduction

The last three decades have witnessed major political, social and economic reforms coupled with technological transformations in most regions of the world. The same period has experienced a renewed interest in new constitutional dispensation which emphasizes devolution of power as a way of promoting local democracy. This may be attributed to the perceived success of market economies, the failures of centralized command and control systems and inefficiencies of the centralized state. Concurrently, the abuses of centralized authoritarian systems have led to a search for more responsive forms of government. New social pressures emanating from the influences of globalization, urbanization, and increasing human migration, have also led to a review of how government can better cope with these challenges. Good governance is about ensuring that policies and public institutions in a country respond to the needs of all citizens.

The relationship between gender and good governance has become a focus of development debates because of the importance of gender equality in the attainment of sustainable socio-economic and political development. Gender equality is a contributor to, as well as an outcome of, good governance. Good governance broadly includes

- i) presence and participation of people in the power sharing arrangements in the decisions on allocation and use of resources (In this regard political representation, presence and voice is important in terms of how collective decisions are made



- and how citizens express their preferences);
- ii) public sector institution dimensions which includes integrity and accountabilities of the executive branch of government; and
- iii) legal and anti-corruption dimensions which should guarantee human rights and individual liberties and protection against misuse of power for individual self-interest and private gain.

The public sector, private sector and civil society are the main governance structures in any nation. The public sector still plays the greatest role in governance and is responsible for spearheading and facilitating socio-economic development. The public sector provides essential services, such as education and health that are critical for sustainable human development.

Although most African countries including Kenya have ratified global and regional conventions and protocols that aim at increasing gender equality, the effective participation of women in their governance structures and processes – as well as gender equity in governance outcomes – is still limited as is shown by the results of this study.

There has been in Kenya a new wave of governance reform that reflects the gradual shift in development thinking over time on political, economic, social and economic roles of state and society. Under this new mode of governance, it is the responsibility of the government to steer, facilitate and guide for effective governance as opposed to their traditional roles of command and control through dictatorial and authoritarian issuance of directives and as a sole provider of public services. In Kenya, a concerted and collaborative effort has been made to involve women in governance process by, for example, providing them a mandatory 1/3 representation, in all elective and appointive positions, involvement and participation in local governance within the constitutional provisions. Yet little is known about how and when the public, particularly women, are involved in this process.



The research sought answers to five broad questions (focusing on structures, processes, practices and impact) about women participation in local governance:

- i. Do local government officials think it necessary to involve women in local governance?
- ii. What specific measures have been put in place to ensure 1/3 presence and participation in local governance as required by the Constitution of Kenya 27th August 2010?
- iii. What are the most common methods that local government officials currently use to involve women in governance at this level?
- iv. Do local government officials think that these methods are effective? If they are effective why are they so? Or if they are not effective why not?
- v. Are there particular practices that managers would recommend others adopting or avoiding?

This paper analyses the diverse societal, institutional and individual factors that account for low participation of women in local governance in Kenya. Local governance is interpreted here as the active involvement of the local population (women and men) in ensuring improved quality of service and leadership at the local [government] level. It includes greater participation by civil society in decision-making processes, consensus-building and civic awareness. Since all development is people related, their participation and involvement irrespective of gender is considered crucial in a nation's development. (Jabeen and Jadoon, 2008)

Methodology

The methodology adopted in carrying out this exercise included desk review of local authority documents, Annual and Audited financial reports, minutes of full council meetings and internet research. These provided needed secondary data. Focus group discussions were held with selected groups of stakeholders drawn from the public and private sectors. Both primary and secondary sources of information have been utilized



to put this discussion into proper perspective. Secondary sources of information included published and unpublished reports, records, documents and discussions.

Primary sources included the data collected by the researcher by use of

- i) questionnaires administered to local government personnel concerned with devolution support program
- ii) structured interviews
- iii) focus group discussions, and personal testimonies of women and men councillors.

Meetings and consultations were held with officials from the Ministry of Gender, Sports, Culture and Social Services (MGSCSS), the Ministry of Local Government, City and Municipal leaders. Such meetings and face to face consultations were held to clarify issues on terminologies and language used in local authority workings, by - laws and operational procedures. Self-administered questionnaires were either mailed or sent to selected local authority officials, women opinion leaders, aspiring county governors and senators, ward representatives under the new constitution. Structured interview schedules were used in selected local authorities (cities, municipalities, town councils and counties). All these sources together, provided an insight into the problems, issues and dilemmas that women face towards their effective participation in local governance. Data was analysed using thematic content analysis and the SPSS computer software.

The paper attempts to explore the issues relating to women's participation in local governance in the cultural, political, economic and legal contexts of Kenya based on PESTEL (P=Political, E=Economic, S=Social Cultural, T=Technologies, E= Environment, and L=Legal) framework. The presentations that follow will be discussed under five distinct headings, namely:

- i) Local governance systems in Kenya: An Overview – historical reforms and transformations.
- ii) Significance and trends in women's participation in governance.
- iii) State of women in contemporary local governance.



- iv) Major challenges to women's participation at personal, familial, systemic, institutional, levels and its implications.
- v) Policy measures to enhance women's public participation.

Each of these areas is discussed in the sections that follow.

Local Governance System in Kenya: An Overview

The concept of devolved Local Government/Local Authorities is receiving attention worldwide as a tool for implementing sustainable development. They are strategic institutions for the provision of basic socio-economic and environment services. Their strategic position makes them valuable and viable for providing effective and efficient services required by the community. Local Governments also provides platforms where community members exercise their democratic rights by electing their representatives who in turn coordinate the provision of the local services.

Local Government has been defined differently by different people and organizations. The Omamo Commission of Inquiry on Local Authorities defines Local **Government as "a system of government whereby the state allows the establishment of local units of government with powers and authority to make local decisions on matters that affect the local communities and to mobilize local resources for implementation or execution of the decisions made"** (Omamo, 1995). Wanjohi N.G. (2003).

The state is run through government line Ministries, parastatals, Office of the President, Local Authorities (LAs). Although local Authorities are used interchangeably with Local Government, The local governance framework is broader than LAs. It consists of rural and urban County, running parallel to Provincial Administration of the Central Government at Regional, Provincial, District, Division, Location, Sub-Location and village levels. This system is backed by actors that include private institutions, and civil society organizations



During the time of Colony and Protectorate of Kenya from 1920 to 1962 there were rural local Native counties to mobilize and provide labour for the colonial settlers and farmers. There were urban municipalities and cities to provide labour for colonial traders and European civil servants. There were Native council Legislatures and the National Legislative Council (LEGCO) to assist Colonial Governors in running the county. When Kenya attained independence in 1963, these colonial structures were transformed into Districts based rural county councils, Urban Town Municipalities and city council under Local Authorities Act Chapter 265 of the Laws of Kenya. There were also more or less Divisional/District based constituencies that elected members of the Lower House/Senate and the Upper house National Assembly Parliament.

Provincial Administration remained for local representation of the Executive Presidency from 1963 to 2010 under the Chief's Authority Act. By 1966, the Lower House/Senate was abolished to allow the President to consolidate the Legislature, Executive and Judicial powers. The Provincial Administration composed of Provincial Commissioners, District Commissioners, Divisional Officers, Location chiefs, Sub-Location Assistant chiefs and Village elders carried out the presidential functions up to the household level.

The new constitution of Kenya 2010 article 1(3) and (4) establishes two levels of government; the national and county levels of government. But there may be those who may look at section 18 of the sixth schedule and argue that it creates a third level of government. This section seeks to continue the existence of Local Authorities subject to any law that might be enacted. This argument is not sustainable for a number of reasons. From a functional point of view, the constitution at article 186 confers functions to only two levels of government; the national and county levels. The conclusion would be that section 18 is a transition clause that continues the Local Authorities until 2012 when the county governments shall have been elected. Article

176 provides for further decentralization of functions by county governments to ensure effective service delivery. Under this article, the county governments may create other structures below the counties.

Figure 1 Structural Governance Organization

CENTRAL GOVERNMENT President Government Parliament: National Assembly			
DEVOLVED GOVERNMENT - 47 COUNTIES Governors			
LOCAL GOVERNANCE			
Urban Areas		Rural Areas	
3 City councils Nairobi, Kisumu, Mombasa	43 Municipal Councils	62 Town Council	67 County Council – Governance is divided into levels of Districts, Divisions, Locations, and Sub-Locations and villages.

Source: Omamo 2008 Handbook

It is envisaged that Local Authority cap 265 will have to be repealed to comply with the Constitution provisions of the County Governance. The Chiefs Act which established the decentralized administration which also have to be repealed to meet requirements of the new constitution. This has created considerable anxiety among public servants in these local governance structures.

The present structure of local government has its roots in the Local Government Regulations of 1963 with the subsequent amendments appearing now as the Local Government Act Chapter 265 of the Laws of Kenya which are currently under review. The Kenyan Local Authorities (LAs) are corporate entities. In addition to the Act, the LAs draw their legal powers from the Constitution of Kenya, other Acts of Parliament, Ministerial Orders and By-Laws.



Types and Number of Local Authorities in Kenya

The Local Government system in Kenya is divided into four categories (Omamo, 1995). These are: city, municipal, county and town councils. Currently the Local Authority system has 175 Local Authorities composed of three city councils (Nairobi, Mombasa and Kisumu), forty three municipal councils, sixty two county councils and sixty seven town councils. They were established under the Act Cap. 265 of the Laws of Kenya.

Table1: presents the types of Local Authorities in Kenya.

i	City/Urban Councils	3
ii	Municipal Councils	43
iii	County Councils	62
iv	Town Councils	67
Total		175

The cities of Nairobi, Mombasa and Kisumu are treated as municipalities in all respects as their status, duties and functions are not defined into legislation yet although the City of Nairobi was established by Charter. Both in the rural and in urban areas there are decentralized central government organs alongside those of the local government that is the *Provincial Administration* and the technical functional departments and ministries of the central government.

LAs are charged with provision and management of services such as *health, primary education, refuse collection, water and sanitation, land use planning, housing* among others in their areas of jurisdiction. Local government activities affect and influence the lives and livelihoods of all residents. Their importance cannot therefore be over emphasized.

How Local Authorities Work in Kenya

Local authorities in Kenya are established under the Local Government Act Cap 265. The Local Authorities work through legally constituted committees of elected and

nominated councillors. Once constituted, the first function of the councillors is to elect their mayor in respect of the City Council of Nairobi and the Municipalities, or the chairperson in the case of county and town councils. After the election of the mayors or chairpersons and their deputies, the councils elect the chairpersons and their deputies of the various committees. The number of committees as will be discussed later depends on among other factors on the size of the particular council.

The responsibilities of councillors include formulating policies and planning of activities that help the community engage in socio-economic and political responsibilities in their areas (Omamo, 1995). The council committees discuss departmental programme and activities and propose their budgets. These budgets finally form the council budget discussed during the council budget day. At present there is public participation through stakeholders meetings, consultations and media press briefings before Budget Approval by the Full council meeting. The council committees determine the annual programme and services offered by the council.

The full council is chaired by the mayor/chairperson of a county or town council. Under the full council are found the different standing committees chaired by chairpersons (elected or nominated councillors). These committees deliberate on sector policy matters referred to them by relevant Central government departments/ministries.

Political Structure Based on a Committee System.

The governing or policy making organ of the council is the meeting of all councillors called Full Council made up of members of the following committees as shown on Table 2.



Table 2: Political Structure Based on Committees for Nairobi

	DEPARTMENTS	Total	F	M
2	Inspectorate Committee,	25	3	22
3	Finance/General purposes	27	1	26
4	Education	25	3	22
5	Housing and Social Services	22	6	16
6	Public Health	23	5	18
7	Environmental	22	6	16
8	Town Planning	27	1	26
9	Works	27	2	25
10	Water and sewerage	23	5	18
11	Licensing	24	4	20
12	Internal Audit	26	2	24
13	Joint Staff			18
14	Joint Workers	23	5	26
15	Transport and Disaster	27	1	26
16	ICT	24	4	20
17	General Purposes	26	2	24
18	Staff Committee	25	3	22
19	Housing D	25	3	22
20	Yasbap	26	1	25

The councillors' main role is to make decisions on service delivery and by-laws based on the council's plans, financial resources availability and technical advice from the management staff. In Kisumu there were 15 departments and committees namely Finance and General Purpose, Public Health, Works, Planning, Environment, Social Services and Gender, Housing, Water and Sewerage, Education, Inspectorate, HIV and AIDS, Tourism Heritage and ICT, Internal Audit, Staff and Establishment and Joint Staff. Of the 15, there were only four women chairpersons of Housing, HIV and AIDS, Internal Audit committees and Environment. Of the 13 departments only two were headed by women namely Social Services and Tourism Heritage and ICT departments. There were one hundred and ninety-nine (199) councillors and one

provincial administration representative at every Full council meeting. Of the ninety nine councillors, seventy eight were elected and of these seven (8.9%) were females. Those nominated were 21 and five (23.8%) of them were women. These figures are way below the 1/3 of the new Kenya Constitution 2010 requirement.

In Siaya, one of the smaller county councils with five wards had a total of five male elected councillors and two nominated. Of those nominated one (50%) was a woman. The table presents the names of departments in Nairobi, Mombasa and Kisumu and the heads of the departments by gender.

Table 3: Administrative Structure Based on Departments and Heads of Departments.

	NAIROBI	KISUMU	MOMBASA			
	Departments	HD	Departments	HD	Departments	HD
1	Legal Affairs	M	Finance and General Purposes	M	Town Clerk	M
2	City Education	M	Public Health	M	Town Treasure	M
3	Public Health	M	Works	M	Engineering	M
4	Environment	M	Planning	M	Planning and Architecture	M
5	Social Services	M	Environment	M	Human Resource	M
6	City Planning	M	Social Services and Gender	M	Housing Development	M
7	ICT	F	Housing	F	City Education	M
8	Audit	M	Waste and Sewerage	M	Social Services	M
9	City Inspectorate	M	Education	M	Environment	M
10	Engineering	M	Inspectorate	M	Public Health	M
11	City Treasury	M	HIV/AIDS	M	Internal Audit	M
12	Housing Devnt	F	Tourism Heritage and ICT	F	Inspectorate	M
13	Human Resource	F	Internal Audit	M		
14	Town Clerk	M	Joint staff Complaint and Staff Establishment	M		

DH – Head of Department



The Table above is referred to as the management (administrative) structure and is headed by the town/ county clerk. The structure is composed of heads of departments and senior managers of Local Authorities. The scenario here shows that 1/3 figures as required in the Kenya 2010 Constitution has not been met. Nairobi and Kisumu had 14 departments while Mombasa had 12. Of the fourteen departments in Nairobi only four (29%) were headed by women, while Mombasa had none.

The management team consolidates the departmental recommendations to be presented to the relevant committees shown in Table 2 above for consideration. The technical meeting recommendations are meant to advise the policy making committees including provision of services and council by-laws. The team is organized in service departments.

State of women in contemporary local governance of Kenya

The picture of female representation in senior positions in public service is not encouraging.

Women constitute 50.3%% of the total 38.6 million population of Kenya (Republic of Kenya, 2009). Even though women form more than half of the population of Kenya, they are grossly underrepresented in leadership and decision making positions in the country. In 1969 the first 2 women entered parliament, representing a mere 1.2% of parliamentarians. Due to various constraints the number of women parliamentarians remained very low over the years with representation ranging between 1.2 % and 2.4% until 1988. Even today the percentage of women parliamentarians is a mere 7.3% out of the 210 elected and 12 nominated members of parliament. This is far below the desired 30% as stipulated in the constitution and Affirmative action. Table 3 illustrates status of women in terms of the number of seats in the National Assembly and within Local government.

Table 3: Gender Representation in Government in Kenya (2003 – 2006)

	June 2003				January 2006			
	Women	Men	Total	%Women	Women	Men	Total	%Women
Ministers	3	26	29	10.3	2	32	34	5.8
Asst. Ministers	4	39	43	9.3	6	40	46	13
National Assembly	18	204	222	8.1	18	204	222	8.1
Ambassadors	7	27	34	20.6	11	29	40	27.5
Perm Secretaries	3	21	24	12.5	5	25	30	16.7
Provincial Comm.	0	8	8	-	0	8	8	-
Deputy Secretary	19	675	94	20.2	21	77	98	21.4
Councillors	377	2460	2837	13.3	377	2460	2837	13.3
District Officers	68	355	423	16.1	88	359	447	19.7
District Commissioners	3	68	71	4.2	2	69	71	2.8

Source: Department of Gender: Directorate of Personnel Management Complement Statistics Unit.

Apart from the diplomatic service where slightly more than a quarter of ambassadors and high commissioners are women (11 out of 40), the number of women ministers actually was reduced from 3 out of 26 (10.3%) in 2003 to 2 out of 32 (5.8%) in 2006. In June 2005, there were only 5 (16.7%) out of 30 female permanent secretaries, only 2 (2.8%) out of 71 District Commissioners, 21(21.4%) out of 98 Deputy Secretaries and 88 (19.7%) out of 447 District Officers. Of the 8 Provincial Commissioner (P.C) posts in the country, only one woman is currently occupying the position in Eastern Province of Kenya. In 1998, the Government of Kenya gave a directive that reserved 30% of the appointed membership of assemblies for women. Only 3 of the 210 Presiding Members were women in 1998.

The same scenario is seen at the Local Authority levels as shown in Table 4. Women councillors increased from 2.4% in 1988, to 8.1% in 1998 and then to 13.3% in 2002 as shown in table 5 below. Kenyan women are, however, doing fairly well in the legal field. Even though the growth has stayed level at 34.3% from 2003, women form a third of



the lawyers in the country. In 2005 women formed 42.2% of District Magistrates, 37.6% of Senior Resident Magistrates, 42.3% of Senior Principal Magistrates and 20.3% of High Court Judges compared to 41.3%, 36.8%, 40.9% and 17.6% respectively in 2003. Despite the appointment of women to the various positions in the judiciary, there has never been a woman Chief Justice.

Table 4: Members of National Assembly by Gender and Year of Election

Parliament	Period	Total no. of Constituencies	No of Women Elected	Available Slots for nomination	No of Women Nominated
1st	1963-1969	158	0	12	0
2nd	1969-1974	158	1	12	1
3rd	1974 - 1979	158	4	12	2
4th	1979 - 1983	158	5	12	1
5th	1983 - 1988	158	2	12	1
6th	1988 - 1992	188	2	12	0
7th	1992 - 1997	188	6	12	1
8th	1977 - 2002	210	4	12	5
9th	2002 - 2007	210	12	12	8
10th	2008 - 2012	210	16	12	6

Source: Department of Gender.

Kenya established a Supreme Court in 2011 in which two or 29% of the members were women. This included a woman Deputy Chief Justice. This was an attempt to comply with the 2010 Constitutional requirement, even though it never reached the minimum 33%. The above figures indicate the low participation of women in their respective councils/Committees or departments. These findings have critical implications on how the elected women conduct themselves to cope with challenges of the new system under the new Constitution.


Table 5: Local Authority Membership by Gender

	1998	1992	1998	2002								
Authority	Total	Women	% Women	Total	Women	% Women	Total	Women	% Women	Total	Women	% Women
County	631	13	2.1	1029	24	2.3	2455	201	8.2	1847	248	13.4
Municipal	215	7	3.3	354	15	4.2	596	52	8.7	446	60	13.3
City Council	-	-	-	55	4	7.3	69	7	10.1	113	13	11.5
Town Council	125	3	2.4	398	7	1.8	572	40	7.0	431	56	13.0
Total	971	23	2.4	1836	50	2.7	3692	300	8.1	2837	377	13.3

Source: Electoral Commission of Kenya, 2002

Significance in women's participation in governance.

With regards to the significance of women's participation in local governance the informants cited the following:

- **Numerical strength.** Women constitute half of any country's population (important human resource), and therefore have the right to constitute half of the decision-making bodies. Only by having more women locally elected or nominated, will women feel truly represented and recognised in the democratic process. The respondents emphasized that this must be regarded as a matter of human development for eradication of poverty and sustainable good governance. In Kenya for example, it is only elected members of parliament that can control constituency resources, including the Constituency Development Fund.
- **Cultural Reforms.** There were those who emphasized the differences between women and men in terms of exposure, experience and resources under their control, differences in terms of their needs and interests as well as differences in roles performed and responsibilities. It was further argued that women and men live in different economic and social conditions therefore have different political interests. Without women's needs and interests being taken into account,



without the opportunity for them to participate in and influence decision-making, development interventions and planning will not achieve sustainable results. Women respondents were of the opinion that male politicians normally do not automatically represent women's interests.

Policy measures to enhance women's participation in Local Governance.

The informants were able to identify a number of measures which have been put in place to enhance representation and participation of women in governance.

- **Affirmative Action:** Attempts have been made to increase the participation of women in senior and middle level policy formulation and implementation processes, both within the local and national governance structures.
- **Increased Resource Allocation.** The government of Kenya has established a number of devolved funds which are aimed at facilitating access to service delivery at community level. These include Constituency Development Funds as well as Local Authority Service delivery
- Action Plans which are backed by funding. Experience has shown that communities and lower level committees do not currently have the capacity to access these and other funds adequately. Women who have low levels of representation in local government but have specific needs should be trained and encouraged to actively participate in the administration of devolved funds, and the selection and formulation of community projects.
- **The Women Enterprise Fund (WEF)** was set up in 2007 to facilitate women's access to microfinance credit and other financial services. This fund was set up to address poverty and to empower women economically. All partners in development including the public, private and civil society organizations are putting in concerted efforts to fulfil promises of gender inclusion and participation at all levels.



- **Structural Changes:** It was reported that to overcome structure constraints, Gender Focal Points and Gender Divisions were established in line ministries such as in Education and Agriculture. However, it was observed that they can only come to life and benefit the whole ministry if they have sufficient financial and human resources and also have adequate staff members at a higher level who will exercise authority to influence the ministry's decision making.
- The Government of Kenya developed a *National Gender and Development Policy* in 2000, which forms the framework for guiding different sectors and agencies and also provides the framework for the state to address gender imbalances and inequality. The policy guidelines address the following critical areas: (i) the economy; (ii) poverty and sustainable livelihoods; (iii) law; (iv) political participation and decision-making; (v) education and training, (vi) health and population; (vii) the media and (viii) policy implementation and resource mobilization.
- The **National Commission on Gender and Development** was set up by an Act of Parliament in 2004. It is mandated to coordinate, implement and facilitate gender mainstreaming in national development and to advise the Government on gender concerns.
- The government has also, through parliament passed legislations, to address gender based violence and human rights concerns through the **Sexual Offences Act and the Witness Protection Act**. "These legislations go a long way in safeguarding the rights of women in our society".
- Academicians, researchers, scholars and professionals have also put in their efforts to bring gender issues into the spotlight through research and publications. Their activities have received support in different quotas since gender issues and concerns are social issues and no universal strategy can be adopted for complex gender problems, hence the recognition of the role of indigenous search to understand the phenomenon in a country's own unique context.



- **Addressing constraints due to Legal Frameworks:** Most African countries including Kenya have ratified global and regional conventions and protocols that aim to increase gender equality. In Kenya, these have been translated into the National Gender Policy and the National Gender Programme, and currently the New Constitution which are the country's main tools for achieving greater gender equality.
- The central feature of the New Constitution is the imposition of duties on the state to address the legacy of exclusion by taking positive corrective measures. This duty is based on the recognition that sections of the Kenyan society – women, ethnic minorities, the poor and some regions – have suffered marginalization in the past due to a combination of factors that include exclusionary governmental policies and practices. The constitution also imposes quotas in some areas requiring, for instance, at least 1/3 representation of either gender in all appointive and elective positions or five per cent representation for persons with disabilities. This state obligation to take positive steps – commonly known as affirmative action – is found in the article 27(6) of the constitution. This provision requires measures to be taken 'to redress any disadvantage suffered by individuals or groups because of past discrimination.'

In addition, it has reserved 47 county seats for women in addition to 18 to be nominated by political parties. There are other sections that deal with Citizenship Rights, Property Inheritance Rights, Divorce Rights, Equal Pay Labour Rights, and all these are also important milestones. Article 174 of the constitution identifies a number of things as the objects of devolved government. These are:

- To give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the state and in making decisions affecting them.

- ii) To recognize the right of communities to manage their own affairs and to further their development.
- iii) To protect and promote the interests and rights of minorities and marginalized communities
- iv) To ensure that each of the two genders have at least a third of the members of representative bodies in the county.

There have been noted changes in how textbooks and stories are written and read. The use of gender neutral language has been encouraged for example in education curricular teaching and learning materials and textbooks now use gender balanced examples and illustrations; Language in Business and public sector operations and procedures are gender sensitive; for instance, the use of chairperson instead of chairman and security guard instead of the traditional Watchman, construction workers sign posts instead of the traditional Men at work at road construction sign post. These are real efforts towards inclusive participation of men and women in all sectors beyond slogans.

Challenges identified by the Informants

The informants reported on barriers that still persist as constraints to women's inclusion and participation in Local governance. Such barriers include:

Legal Framework (Legal factors)

While the New Constitution of Kenya (2010) provides for equal treatment of both women and men in terms of their access to development opportunities and protection from discrimination on the basis of sex alone, legal practices are quite contradictory. At times the positive provisions were ignored using the cultural and religious interpretations. This implies that domestication of the legal provision have been very slow due to customs, norms, beliefs and traditions.

It was noted that laws do not ensure women's representation in decision making committees, finance and management committees. Laws do not define any penalties



for hostile practices, offensive behaviours and harassing attitudes that adversely affect women's participation in political governance. Absence of women in such committees has critical implications for women and their political participation. Some women councillors interviewed also complained about subtle forms of discrimination against them in terms of attitudes of male colleagues, lack of facilitative environment, absence of honorarium and their relegation to the areas that are traditionally perceived as extension of female roles. Many women were of the view that laws could be effective only if they were applied or enforced. This is often not the case. With limited education women often do not know their legal rights, they have limited financial means and capacity to enforce them in court and they fear that taking legal action alienates them from their families. This lack of access to justice is in itself an injustice. New legislation in particular needs to be simplified and disseminated. Included is the sensitization and training involvement of the media, which might offer other avenues of dissemination.

Policy Initiatives

It was pointed out that limited finances and low levels of education did inhibit women's access to available legal systems. Affirmative Action, a new system of devolution of powers plan, which came into existence in 2006, as a Presidential Decree and was later enshrined in the national constitution, 2010, to enhance their political participation too has had hitches in domestication. It was expected to open new windows of opportunities for Kenyan women in terms of organizing themselves at the grass roots level and voicing their concerns in policy arenas. It is also anticipated that the new constitution will empower women to take part in political, economic and social decision making process on equal basis which may in turn eliminate gender biases in-built in Kenyan society.

Views on Affirmative Action varied as some people looked at it with some scepticism referring to it as reverse discrimination and an 'add-on' approach to existing policy



frameworks rather than a critical analysis of the political, social and institutional framework that underpinned gender inequality and recognition of the need for transformative policy initiatives. Some male informants have argued that the proposed amendment amounts to discrimination against men. However, there were those who still saw the bill as a means to correct the exclusion of women from parliamentary representation that has resulted from outdated views on the role women should play in society.

It was also pointed out that, increasing women's representation in local decision making through affirmative action can be considered an important first step. The informants further affirmed that quota systems have been used to ensure a minimum number of women elected to office at both national and local level to achieve a critical mass of women within parliaments, political parties and local governments. However, it was pointed out that quantitative and numerical representation of women alone is not a sufficient condition to bring forth their qualitative participation in the governance process. There were others who felt that quota systems tended to bring into office elite women or those who may be used as proxies for men. Many women informants emphasized that for success to be achieved requisite social, economic and political changes must be accomplished in Kenya through changes in cultural practices and attitudes that inhibit women's roles in local governance.

There were those who pointed out that Affirmative Action or thirty percent representation means a compromise of competence as the most competent candidate(s) at the top of the list were skipped in favour of a candidate possessing reasonable competence in favour of regional/clan balance/public popularity. Are the rights of those skipped violated? If yes, then it means that every affirmative action or pro-diversity measure violates the rights of others by discriminating on grounds of ethnicity or 'ability'. It is the idea that the most competent individuals are often not selected that makes affirmative action a painful, problematic and much reviled strategy not only in Kenya but the world over.



The one important question that was posed by one administration officer was "whether affirmative action or 'diversity' measures have to meet certain conditions in order to be regarded as constitutional and thus legitimate". The same officer continued in his argument by saying "Article 24 of the constitution acts as a shield for governmental actors accused of discrimination in these circumstances. Diversity measures have to be sanctioned by law. There has to be a demonstration that they are designed to meet a legitimate governmental objective. They have to be proportional... they should not be of the type where a hammer is deployed to kill a fly".

This same administrative officer suggested that "although article 24 does not expressly include this element, they should have a sunset clause. Because affirmative action measures are discriminatory – sometimes called reverse discrimination – they derive their force of legitimacy not only from the law but also from the recognition that they have to be time bound. For instance, the equalization fund that will be used to remedy economic marginalization of certain regions and groups has a constitutional lifespan of 20 years, subject to renewal by Parliament".

Financial base

A number of informants reported that during elections women candidates were outmaneuvered by their male counterparts who were more financially established and had more access to campaign funding. Lack of financial resources required to sustain campaigns and lower levels of education do not help women candidates to sell themselves. There were reported cases of physical intimidation of female candidates. For instance, one woman councillor in Mombasa and another in Siaya were manhandled and assaulted by thugs supporting their male opponents during campaigns. Instances of voter bribery though illegal requires considerable financial prowess far beyond the endowment of many women.



Lack of representation

As discussed earlier women are under-represented in decision making bodies and policy making forums. This, it was noted, has negative implications for women as their concerns are not properly presented and addressed by all male decision making boards. Others argued that under representation in political leadership and decision making committees meant that there were a few women available to act as mentors and role models for other women in local governance.

Political factors

Politics in Kenya is often viewed as a dirty business and is associated with corruption, nepotism, ethnic, tribal, clan polarization, favouritism, rivalry, enmity and violence. Women's roles in politics have been confined mainly to the political campaigns, entertainment, election canvassing and facilitation of voting process for men. The complex procedures of election system, lack of political party support and behaviour of male colleagues further hindered their effective participation in grass roots governance.

Social cultural environment

It was noted during focus group discussions that in Kenya, like many other African societies, the status of women is largely determined by the cultural norms, societal traditions and customary behaviours. These cultural norms ascribe different roles to men and women and place women in subordinated positions. While men are ascribed breadwinning responsibilities and more prominent roles in public sphere women are more valued in their domestic roles as wives, mothers and family helpers. This role division has implications for women not only in terms of opportunities available to them for development but also for their own aspirations to join professional positions in public arena.

Both women and men pointed out during focus group discussions that there were negative stereotyping and socio-cultural attitudes towards women. These prevented



many aspiring women leaders from coming out in the open to contest elections. A woman's ambition to contest a seat could be regarded as opposition to cultural norms and standards. The women in public life are viewed /perceived as uncustomary and non-traditional and hence have less acceptance.

Besides, reserving seats as a necessary step to bridge the gap was also seen as perpetuating and reinforcing stereotypes in society. The very concept of "reserve seats" for women in politics is viewed as negatively placing women to an inferior status as compared to men who are directly elected on open seats. Women in reserve seats are viewed as a passive vote bank and proxy representation of male members pursuing their political interests. Once created, such perceptions and attitudes were sustained through gender stereotyping and result in gender biased behaviours and discriminatory work practices. The above cultural traditions have such a strong hold on public perceptions that even state sponsored gender development initiatives are often undermined. The informants suggested that there is a need for public education too. Affirmative action is however necessary as a measure that is central to the project of rebuilding a more inclusive and caring nation.

Gender streaming

Despite a visible representation of women in local governance they are streamed into projects and roles considered appropriate for them and as extensions of their roles. Many women informants found themselves in areas considered 'soft' such as education, health and social welfare areas viewed as an extension of female roles. This segregation ghettoize women in few areas and inhibit them from having a variety of experiences in other important areas including finance, budgeting, engineering and maintenance docket that are dominated by male partners within the local governance structures and operations.



Best practices for increased participation in local governance.

From the foregoing discussions it is clear that women are underrepresented at all levels of governance. This means that there is a need for special interventions that will ensure that women become part and parcel of the decision making levels in Kenya. The proposed measures discussed below aim at facilitating women to cope up with diverse systemic, organizational and demographic challenges discussed earlier. The suggested measures, if adopted will not only enhance women's political participation but will also contribute towards increasing their involvement in economic, administrative and social arenas by promoting a conducive environment for their involvement. With regards to the suggested best practices the study revealed the following:

The need to Review local government policies

One such strategy is Affirmative Action. Many of the responses indicated the dissatisfaction with Local government policies which they suggested needed to be reviewed to ensure that gender perspectives are an integral part of the legislation. The Local Authorities should provide job descriptions of women and men councillors in their new roles and clarify any misperceptions attached to the concept of reserve seats or nominations.

Women councillor's participation in important meetings should be ensured by linking their presence with quorum requirement, assigning them a certain percentage of representation, presence and allocating specific amount of funds for women targeted development plans. The system should monitor strict implementation of the rules and define mechanism for taking action against those who do not follow the rules to the letter and spirit.

The need for Gender awareness raising and mainstreaming

A nationwide gender awareness campaign should be launched highlighting the importance of including both women and men in decision making process by linking it with human resource development, poverty reduction and good governance.



Information should be spread regarding the positive social change women can bring to the all-male corridors of local governance through their transformational, nurturing, and more inclusive and consensus oriented work styles. A concerted effort should be made towards gender mainstreaming at all levels and in all activities through involvement of new partners in governance including political parties, civil society organizations, corporate sector and international development community.

The need for Capacity building targeting women

A continuous development plan should be envisaged to build capacity of new women entrants in local governance based on their specific needs to comprehend the system, skill development and attitudinal requirements. The training should be imparted at various stages of the term of local governance and incorporate basic understanding of the Local Government Organization in terms of its content and context; developing political, administrative, financial, legislative and interpersonal skills and inculcating self-confidence required to perform their professional roles more effectively. Proper feedback and evaluation must be conducted to make need based improvements in capacity building programs.

Gender sensitivity training should be mandatory for all women and men members including the political representatives and bureaucracy and incorporate topics such as human rights, domestic violence, and sexual harassment and gender relations. There is need for a comprehensive and customized training to include the needs of all women participants such as contents, location and duration of the training, financial incentives, and illiteracy levels. The training must not be designed on the basis of perceived needs of the elected councillors/MPs, governors, senators and members of parliament without assessing the actual needs of the potential participants or women in general.

At political party level (religious political party) there is a need to initiate a training program for women to encourage their participation in elections. Some civil society

organizations need to increase collaborated efforts to orient women to the new system and encourage their participation through advocacy and lobbying. Training must be carried out from time to time to assess progress. The training should not be a one stop gap measure as is always the case.

Increased focus on Representation of women in decision making committees and meetings

Women's under representation in decision making bodies, monitoring committees and important meetings is the cause as well as the effect of their low political participation. While affirmative action and quota may improve their representation at entry level, it may not increase their participation unless women are given due representation at influential decision making forums. Women's presence at such forums will have a buffering effect to counter gender biased attitudes in important decision making policies and processes. Women themselves should also be more assertive to ensure meaningful contributions in meetings.

Need for Networking and mentoring among women leaders

For efficient and effective council functioning, women alliances should be strengthened through networking. The networks at all levels of local governance will not only provide an inter linkage in the system but will also serve as social safety net for women to organize themselves around their key concerns, better present their issues and mobilize support. Specific examples and success stories of women representatives should be shared with newly elected women councillors or potential aspirants through case studies to enable them to change attitudes and to perform their governance roles more effectively.

While experienced women can act as mentors and role models for new entrants and provide them with the necessary support and guidance towards their professional development, civil society organizations and other stake holders can facilitate such linkages through professional networking. Exploring networks at national, regional and



international levels can also help women in the understanding of the best practices to get their issues on local and national agenda. Social media communication practices through use of modern ICT services can expand the women's chances and opportunities for further outreach and networking beyond Kenyan borders.

Need for a supportive environment for women in local governance

Considering the various structural and cultural barriers discussed earlier a supportive environment needs to be created to encourage women to come up with their full potential and genuine participation in governance. The women should be encouraged to express their view points and participate in developmental work through promoting a conducive work environment. The members should also be provided with financial incentives such as honorarium irrespective of their gender and political party affiliation.

Need for Political will and commitment

Finally, to get the meaningful results an attitudinal change must be initiated to challenge the long held gender biases and different forms of discrimination against women in Kenyan society. The process involves a lot of commitment, collaboration and political will on the part of all stake holders including the government functionaries at central and county governance levels civil society organizations, academicians, media, international development organizations and citizens including women and men.

Way Forward

Women respondents made suggestions for a way forward to enhance women participation in Local governance namely:

- Need for mind-set change for women to support fellow women.
- Need for political parties to assist women leaders to succeed in elective positions of ward representatives, governors, senators, members of parliament and president.
- Need to reduce apathy among women aspiring for public leadership and participation.

- Capacity building and training should target women to acquire leadership and entrepreneurship knowledge and skills.

Conclusion

The findings from this study indicate that Kenya has made a lot of effort in terms of policy formulations and legal framework for involving women in local governance. However the realization of 1/3 women participation, inclusion and involvement in local governance must overcome constraints of political, social and cultural imperatives.

Women should use their numerical strength to send their own to high elective offices. The women must do this to break down biases in leadership structure. Women have shied away from seeking positions in the political parties' hierarchy and instead played a peripheral role. A comment by a sitting M.P. "Don't be content with what the constitution is offering you, go for other seats within the county governments".

It was noted during the discussions that the equality of development opportunities, an enabling environment and acceptance of women in their emerging leadership roles necessary to bring forth full participation of individuals have yet to come. Kenyan women face diverse political, legal, administrative and social challenges in their quest towards penetrating in the grass roots governance. Women should think beyond the seats reserved for them and compete for elective seats.

Popular demand in Kenya; from 1975 during the first Women conference, through The Nairobi Forward Looking Strategies in 1985 to the Beijing Platform for Action in 1995, there has been increasing efforts to include and ensure women public participation in local governance in Kenya beyond slogans. The journey is on to realize the 1/3 Gender inclusion, involvement and participation in public governance. This study revealed that constraints exist and have to be surmounted.



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Hon David Stewart (Parliament of Scotland) Addressing the Delegates at the PPP Conference



Wesley Seale: University of Antwerp (Belgium) and the National Research Foundation (SA)

A calabash of Indian and Brazilian public participatory processes:

Proposing a (new) brew for South Africa in the light of Vision 2030

Abstract

Participation, and by extension participatory practices, has been seen as a response to the challenges of representative democracy. These participatory mechanisms have been introduced by public representatives in order to ensure that policies and responses, by these representatives, to the general public are appropriate and effective. Hence, matters pertaining to deliberative democracy arise.

By mentioning examples of participatory processes in our partner countries in IBSA



(India and Brazil), a blue print for a “decentralised” South African model is proposed. Emanating from these cases is the concept of decentralisation and the relationship between “informal” participants and the state; based on these two factors and in the light of The National Development Plan: Vision 2030, participatory governance, at a local level, is proposed as this model for South Africa.

Therefore moving beyond mere slogans, consultation, planning and/or budgetary participation, the model further proposes that communities be involved in the very implementation of the policy/project as well as its evaluation. Participatory governance therefore becomes the bed-rock of this model.

Key words:

deliberative democracy, participation, participatory planning, participatory budgeting, implementation, accountability, evaluation, decentralisation, participatory governance

A. Introduction

Much ink has been spilt on the short comings of representative democracy and how despite all of these shortcomings democracy remains the best of the worst political systems. In an attempt to address some of these shortcomings, a number of scholars have highlighted the importance of deliberative democracy and the need to include as many of the populace in policy making processes (Chambers 2003: 308).

Participatory practices have therefore tried to fill the vacuum created by representative democracy. In particular, practices have been noted, especially in areas of development, whereby these participatory practices have not only been used to garner greater social and economic participation of the poor but especially in relation to political processes; where the poor especially are given the necessary mechanisms to determine their own priorities and plan their own futures, despite their poverty.



But what exactly do participatory practices bring about? How exactly do we ensure that the people we most want to include, the poor, also feel party to decision making processes within the state? *The National Development Plan: Vision 2030*, released by the National Planning Commission, does devote a chapter to the strengthening of state capacity; in other words improving the ability of the state to respond to (poor) people's needs. Whilst chapters of the Vision deal specifically with how the state can enable a better socio-political economy, through among others, health, education and security, this paper wishes to highlight the pivotal role played by ordinary citizens in strengthening the state capacity through their participation in governance.

Besides being partners in the India-Brazil-South Africa (south-south) trilateral agreement(s), India and Brazil have a number of broad similarities with South Africa. The political parties in power are largely working-class and democratic in nature. All three these countries are emerging economies but continue to be plagued by structural inequalities in its citizenry while the role of the state in these countries are rather prominent (Mohanty et al. 2011: 3; Heller 2001: 131-132 and 139).

Before it briefly surveys participatory examples in India and Brazil, this paper will mention some theoretical considerations with regards to deliberative democracy. By mentioning the case studies, the paper will summarize emerging themes and use these as a basis to propose a model for South Africa, in the light of Vision 2030.

The opening lines of the National Development Plan: Vision 2030 reads as follows: "No political democracy can survive and flourish if the mass of our people remain in poverty..." (NPC 2011: 1). One of the greatest challenges facing our country is poverty. Yet poverty should not only be understood in economic or material terms but should also encapsulate how people are excluded socially as well as, in this instance, from political processes.



In tackling the question of people's participation – "the people shall govern" – this paper would want to highlight that this participation should not only be done in order for elected and state officials to gain legitimacy for their policies and projects but rather that the ordinary (poor) South African move from being a passive client of state services to an active citizen in determining his/her future.

B. Deliberative democracy, spaces and the citizen: theoretical considerations

In the evolution of democratic systems, deliberative democracy has become what we could term, the contemporary *au courant*. It entails methods in which we can enhance and criticize democratic institutions that exist and examine whether these fulfil their normative criteria. Unlike individualistic and/or economic understandings of democracy, deliberative democracy seeks to ensure that accountability and broad discussion occurs within governance structures. Thus this form of democracy encourages legitimacy through these; unlike, voting-centric systems which simply places an emphasis on gaining legitimacy through simply casting ballots. Deliberative democracy should therefore not be seen in contrast to, or replacing, representative democracy but rather as a mechanism to enhance it (Chambers 2003: 308-311).

Within a deliberative democratic setting, political participation does not simply equal voting and/or being involved in a political party (Gaventa and Valderrama 1999: 4). While this might be the minimum requirement, deliberative democracy identifies spaces wherein citizens participate in the deliberations and discussions before any decision-making processes are embarked upon. The reality, of course, is that often most (poor) people are excluded from these spaces; we shall see later how, what could be understood as, their frustration is expressed through informal interaction with the state.

Yet Gaventa (2006) notes that changing, from purely a voting-centric democracy to a



deliberative one, or creating new institutional systems, does not necessarily create the necessary space for engagement (Gaventa 2006: 23). Conditions for (pro-poor) policies are often, if not always, dependent on the nature of power relations within that space. Attention must be given to power dynamics within the space, when attempting to be more inclusive in participatory practices; of who's "in" and who's "out" (Gaventa 2006: 23). Hickey et al. (2005) would argue that participatory practices have largely failed because issues of power and politics have not been taken into serious consideration (Hickey et al. 2005: 238; Cornwall et al. 2011: 20). As a result, spaces for participation have to be created whilst taking into account these power processes and power plays within these spaces .

Donors in the fields of development, especially within the governance sectors, have concentrated on funding projects that wish to strengthen civil society or the state but very little has been done to strengthen the citizen or communities of citizens. At least, only recently has funding been directed into this sphere. Even though the citizen may play a role in both the state and/or civil society, a distinction must be made in empowering the citizen vis-à-vis empowering the state and/or civil society (Cornwall et al. 2011: 9). Education about participation and how to participate, among others, must involve enhancing awareness, lobbying and advocacy therefore creating an informed citizenry; a task that belongs to either the state and/or civil society (Gaventa and Valderrama 1999: 3). In other words, an educated, engaged and empowered citizenry (Gaventa and Barrett 2010: 27).

Intrinsic in the slogan "the People shall govern" is the assumption that deliberative democracy would be favoured and spaces will be claimed and/or created by the citizen. The citizen, together with other citizens, would possess the necessary power and space to claim space, or create it where it does not exist, thus ensuring that



he or she is actively participating not only in the decision making process but in the implementation and evaluation of that policy/project as well.

Yet how do we as a country, as a province, plan to match our intentions of "The People Shall Govern", with our intentions and our actions? To contextualise our discussion as well as to indicate the state compass in this national trajectory of participation, we shall turn our attention now to what South Africa, with Vision 2030, envisages for people's participation.

C. People's participation in the light of The National Development Plan: Vision 2030

At a glance one could argue that The National Development Plan: Vision 2030, released by the National Planning Commission, is too economic in its outlook and unfortunately falls into the paradigm that understands development as meaning – if not exclusively – economic development. There is a tendency to admire countries such as India and Brazil not because of their political development but rather because of their economic achievements. Yet economic development does not necessarily result in political, social and human development (Rist 2007: 485; Schuurman 2000: 9-11).

For example, Vision 2030 states that "...a capable state is an essential precondition for South Africa's development. The market cannot resolve all the country's challenges..." (this author's emphasis) (NPC 2011 (b): 22). In other words, the state exists at the service of the market and where the market fails the state needs to step in. Another example of this pro-market stance is that the Plan cites a source from the World Economic Forum with regards to global risks (NPC 2011 (b): 50). While global governance is placed at the fourth place, it is preceded by climate change, fiscal crisis and economic disparity; 'fixing' the market or economic concerns. One would have thought, given for example the stringent global trade regime, that if we strengthened



global governance (and by extension governance in South Africa) that the other three (climate change, fiscal crisis and economic disparity) would be more easily resolved; given that these, the former three, are fundamentally political challenges rather than economic ones. Put differently, one would have expected that Vision 2030 be a more people-centric document rather than an employment or economic one.

Vision 2030, because it is not a people-centred document one could argue, though mentioning two methods of accountability - the “hierarchical” one and the “bottom-up” approach - makes no mention of how communities will hold local government officials, for example, accountable yet there is a chapter dealing with corruption and accountability (NPC 2011(b): 383ff). Another example of how citizens are excluded is in the section dealing with state-owned enterprises where again no mention is made of how ordinary citizens can participate in the governance of these entities. Has this question, of public participation in the governance of these entities, even been explored?

Furthermore, in the section dealing with targets and/or direct resolutions, Vision 2030 does not include any resolution strengthening people’s participation in governance; whereby communities directly contribute, implement and evaluate policies and/or projects that affect them directly (NPC 2011(b): 38ff). Rather it would seem that the Plan again proposes a ‘quick fix’ to the state apparatus or white-wash the cracks in the bureaucratic system, a system that was established and strengthened by Apartheid; a new model of governance is needed. The challenges are structural, simply re-organising will not ensure the inclusion of the majority of the people of the country.

Thus there is a disjunction between how the Plan views citizen participation and what should be the role played by communities. Correctly the document questions whether: “...democracy [would] not be better served, for example, by government focusing on the overall environment, with communities actively involved through social housing



programmes? The focus needs to shift from housing to communities...” (NPC 2011(b); 429). Thus while the state is prepared to have citizens engaged in service delivery, the decisions, the budgetary allocations, the evaluation and the implementation must all remain in the hands of the state. Democracy, through deliberative mechanisms such as participatory governance, would be better served if communities had both a focus “...on the overall environment...” and every aspect that governs this environment.

Yet the Diagnostic Report (2011) and in particular on chapter dealing with Institutions and Governance, which preceded Vision 2030, and also released by the National Planning Commission, highlighted the importance of the active participation of ordinary citizens and thus broad consensus reached with respect to the Constitution and how this broad consensus underpins the Constitution’s legitimacy (NPC 2011(a)).

With regards to participation in the law making process, the Diagnostic Report notes the importance of public consultation. But one fears that this is the general understanding when the word “participation” is employed. Participation does not equal consultation. Instead it envisages much more than merely consulting communities and/or organisations. To limit participation to consultation would be to simply create an ‘invited’ space, as understood by Gaventa (2006: 26). As a result, there remains an over dependence on the state to invite the public to participate and then it is merely as consultation; not to collectively make decisions, effect implementation and give oversight through public accountability.

What is refreshing of the Plan is that it proposes, among others, “...a new approach...” whereby South Africans move from being “...a passive citizenry...”, simply as beneficiaries of state goods and services, to “...champions of their own development...”. Included in this new approach, inter alia, is: “...the active efforts and participation of all South Africans in their own development...” (NPC 2011 (b): 2).

Yet is this possible? Is it possible for (poor) people to become citizens and actively claim spaces? The following section will briefly mention case studies from India and Brazil. For the sake of brevity, this paper will not go into the details of the case studies (other presentations at the Conference, will hopefully explore and examine the details) nor will it conclude whether particular cases were a success, in terms of deliberative democracy and citizen participation, or not. Rather these case studies will assist in the formulation of what could be used to establish a South African model in the light of Vision 2030.

D. A brief survey of case studies from India and Brazil

Based therefore on participatory practices in India and Brazil, South Africa needs to develop a (new) model whereby citizens themselves continuously participate in the governance of their communities. We briefly now mention some of the case studies .

i. India

Citizen participation was enabled in India through the 73rd constitutional amendment in India in 1993 (Gaventa and Valderrama 1999: 5) . Understandably this participation has often come under strain when tension arises between the development of the community and the rights of the citizen to participate. Coelho et al (2011) in their studies of public-private partnerships in India, particularly with the Bangalore Agenda Task Force and the Tamilnadu Urban Development Fund highlight the importance that institutional reforms, introduced by the state, play in ensuring that public participation is given prominence where private corporations fund public services or operations (Coelho et al. 2011: 362).

At a local level, India has always had the infrastructure to facilitate local governance. Pur and Moore (2007) argue that the informal 'customary village councils', though disappearing, work with the more formal grama panchayats, which are local governance institutions in India, responsible for local economic and social development. In



particular, in the state of Karnataka these institutions - one formal, the other informal - have complimented each other in ensuring the participation of most of the members of the community (Pur and Moore 2007: 3-30).

In this particular instance of local governance in India, each village has a village council, a gram sabha, which meets twice annually where accountability by the local council as well as priorities for the community are identified. As a result, participatory planning takes place whilst at the same time recognising the need for an educated citizenry for this level of participation (Gaventa and Valderrama 1999: 7). Unfortunately, research has showed a lack of these meetings being held (Gaventa and Valderrama 1999: 10).

Success in Kerala and West Bengal with regards to participation occurred because decentralisation was implemented whilst marginalised groups, women, scheduled castes and tribes were able to gain greater participation in political processes (Hickey et al. 2005: 244). Dalits have played a notable role in these institutions and their lots have increased, both in terms of political participation as well as their socio-economic conditions, but this has not necessarily changed the power dynamics that continue to be influenced by the caste system. As a result, structural inequalities remain and evidence exists indicating that dalits have been targeted for harassment precisely because of their increased participation in these pachayats (Gaventa and Barrett 2010: 24). At the same time, research has shown that women's participation is often based on dependency, i.e. governed by gender-power relations, rather than autonomous. This is the case both in India as it is in Brazil. Hence humiliation is often the result of this tokenism (Gaventa and Barrett 2010: 31).

ii. Brazil

As a direct result of the participatory budgeting process in Porte Algere, the city saw a drastic improvement of public services, issues of social justice were prioritised as well as an evident increase in efficiency (Navarro 2004: 254). Simultaneously, there



was a visible reduction in patronage and corruption whilst redistribution was better coordinated and improved given that tax reforms had been implemented. Among these improvements in redistribution in municipal services was in the sectors of sanitation, land and human settlement, street paving and health assistance (Navarro 2004: 263).

At a very local level, the *rodadas* facilitated a process whereby the community could: 1) evaluate previous projects and/or policies and hold those responsible accountable, 2) based on the evaluation plan for the future, both for a short and long term and, 3) give oversight to the implementation. Needless, to mention that throughout this three phased process, technocrats were consulted but it was the community that would make the decisions and give oversight (Navarro 2004: 263).

More than 70 cities in Brazil have participatory budgeting processes (Gaventa and Valderrama 1999: 11). Yet Brazil continues to have challenges with regards to citizenship, the exercise of rights and extreme social inequalities. However, given the inroads that participatory budgeting has made, these are slowly being addressed (de Sousa Santos 1997: 462).

In one Brazilian state, participation in the budgetary process is as high as 10% of the state's population; priorities therefore changed and were more relevant (Hickey et al. 2005: 244). There is a direct link between participatory budgeting and the reduction of poverty in Brazil (Gaventa and Barrett 2010: 15). Evidently it has led to improved service delivery and access to better healthcare (Gaventa and Barrett 2010: 36 cf Cornwall et al. 2006).

E. Emerging themes: groundwork for a (new) model of participatory governance

In the cases mention from India and Brazil two particular features emerge. The first is the concept and practice of decentralisation while the other is the relation the state has with “informal” participants. Challenges South Africa can certainly learn from.



i. Decentralisation

Given the left-of-centre politics of the majority parties in India, Brazil and South Africa, decentralisation has been a priority in each of these three cases (Heller 2001: 133). Yet the stark differences in history, though colonialism is common in all three, and slight differences in practices has led to rather successful and sustainable efforts in Kerala (India) and Porto Alegre (Brazil), and the other cases from these two countries; emphasis is placed on decentralisation, for example, in the Brazilian constitution (Navarro 2004: 256).

Unfortunately, the same cannot be said of South Africa, which has largely seen a surge in centralisation and market mechanisms of accountability (Heller 2001: 133). In Brazil and India, deliberate decisions were made by the political parties to grow democracy from the bottom-up and civil society remained rather autonomous whereas in South Africa civil society was ‘merged’ with the state (Heller 2001: 134).

Decentralisation pertains to both devolution of resources and power (Gaventa and Valderrama 1999: 5). In countries where development is a priority, the role of the state is given prominence and central governments would often be reluctant to devolve power and accountability (Heller 2001: 140). Yet as mentioned before, while this may not have been the case in South Africa, India and Brazil ensured that democratic decentralisation was a success. The Diagnostic Report, released by the National Planning Commission, agrees that with devolution and decentralisation priorities are more relevant to people's needs and accountability is strengthened.

Heller (2001) describes that part of the paralysis of civic associations at a local level has partly to do with the disengagement or the uncomfortable relationship that the state has with these movements in South Africa (Heller 2001: 158). These movements will often employ the same strategies and slogans that were used in organising, mobilising and fighting the Apartheid state. Today the democratic state disengages or dismisses



these civic movements because of the slogans and strategies employed (Heller 2001: 158-159). Whereas in India and Brazil, the state's relationship with these movements involves a higher level of engagement and these movements are more "acceptable".

ii. *Formal versus informal participation*

Yet what exactly is the relationship that the state enjoys with its citizenry and how does the two interact with each other? When trying to understand the plight of the marginalised in society, the poor especially, it was found in the research of Lavallo et al. (2005), conducted among civic organisations in São Paulo, where it was suggested that civil societies, especially within developing countries, continue to merely "represent" the poor; in other words, the leaders are not frequently poor themselves (Lavallo et al. 2005: 951-964).

What is suggested is a "polity-centred" approach whereby the dynamics of power-plays are taken into account and the institutional design of participation is established by the role players is taken into consideration (Lavallo et al. 2005: 961). This re-affirms the Marxist notion that civil society is to be understood as an extension of the bourgeoisie (Cornwall et al. 2011: 10 cf Chatterjee 2004).

The poor as a result often resort to informal institutions of engagement (NPC 2011(a)). The poor are frequently excluded from formal institutions such as civil society. As a result, subaltern groups are often regarded as engaging in illegal activities such as squatting, engaging in crime to survive. The state therefore has to understand that engagement, with the ones that we should really be engaging with (the poor), is almost never 'neat' and 'tidy'; yet these are not necessarily illegal or irrational (Cornwall et al. 2011: 10 cf Chatterjee 2004).

Speaking of community organisations, the Diagnostic Report (NPC 2011(a)) explicitly suggests these organisations, for example policing fora, drug local action committees, "...should not be seen as extensions of government departments, but [simply] as forums



[sic] which ... represent the interests of the community...Public consultation is an essential aspect of law making...". Citing Tapscott (2007), the Diagnostic Report (NPC 2011(a)), mentions that participation by the public in ward committees have not been fruitful nor do they contribute to people's positive perception of participating in local governance. This further perpetuates the distrust between the citizen in respect of the state (NPC 2011); hence the emergence and perpetuation of these 'informal' interactions.

Social movements in India such as Narmada Bochoa Andolan, the anti-dam movement in India, even the activities of Anna Hazare, and the land movement in Brazil (Hickey et al. 2005: 249) over time evolve into formal institutions. For example, protests change into more formalised engagement, such as participatory budgeting and planning (Gaventa and Barrett 2010: 34 cf Houtzager 2003).

In South Africa, it would seem that people often resort to or are only familiar with protesting, especially in the form of damaging property, something that acquired during the days of Apartheid where state property was often the target and represented the state. However, what is overlooked is that skills of "organise, mobilise and educate" was also honed during the same days of Apartheid. A number of non-governmental organisations, for example the Diagnostic Report cites the Treatment Action Campaign as one such example, have nurtured these skills learned during the struggle for liberation and have proved themselves rather successful in the new South Africa. Unfortunately, we have yet to see these same skills, of for example organising, mobilising and educating a community around particular developmental issues, being adopted by a state apparatus, especially at a local level.

F. *Participatory governance: a (new) model for South Africa*

Given that one of the greatest challenges of our country is poverty and the delivery of basic services to our people, this paper seeks to encourage a movement from solely participatory practices of consultation in policy making, as mention by the diagnostic report, to participatory practices of governance, where participation takes place in

implementation as well. In this scenario, as envisaged by Vision 2030, citizens become actionaries rather than just beneficiaries of state services; or as Gaventa and Barrett (2010) articulates an evolution from client to citizen, as it were (Gaventa and Barrett 2010: 31; Cornwall et al. 2011: 8).

Figure 1



Figure 1 tries to illustrate this mode in terms of what exactly participatory governance as a process. 'Participatory Planning/policy making, is what is happening in India and to a certain extension in South Africa through 'consultation', as envisaged through Vision 2030. In the cases of Brazil this participation has moved beyond planning and policy making into the realm of budgeting as well.

Yet the (new) model for South Africa proposes a participatory process that would involve participation by the community of citizens in the entire process; thus a movement from planning, to budgeting, to decision making, implementation and evaluation and accountability. Citizens would not replace municipal councils or public officials, rather they will give oversight to these to ensure that the participation of the community.



At the same time, participatory governance must not be confused with 'necessary' participation. Often projects or policies decided upon by the elite need the buy-in of the beneficiaries of these policies and/or projects for their successful implementation. For example, open toilets needed the cooperation of the community to be successful (the community had agreed to build their own structures around these open toilets, it was argued). Thus, in this instance, participation by the community was necessary even those who were making the decisions were not orientated towards participation. Again, participatory governance does not just involve participation in planning or just implementation but active involvement in the entire (5 point) process (Cornwall and Coelho _: 10).

F. Conclusion

South Africa, this year, marks its 18th year of the "experiment" of democracy. It has achieved much but much still has to be done and it is on occasions such as these where we can reflect on the achievements and identify ways in which we can improve this democratic process, which comparatively speaking, remains in its infancy. However, as South Africans we need to remain open to methods in which this democracy can be strengthened.

Participatory processes in both India and Brazil were successful because participation, and its explicit methodology were declared as political projects in the two countries; the Communist Party of India in Kerala and the Workers Party in Brazil . These political parties which was centre-left and who came into power were willing to address the structural inequalities that existed within their respective countries (Hickey et al. 2005: 245; Navarro 2004: 258). The situation within South Africa and Gauteng in particular therefore looks positive given that the ruling party could be described as centre-left.

Despite this progressive ideological outlook by the ruling parties in these countries

though, in India, Brazil and South Africa there is a reluctance to engage in participatory governance precisely because, for better or for worse, there is a strong sense of state, a fear of some within the public service particularly to 'let go' and therefore a high bureaucracy as well as the general lack of a culture of full participation (Cornwall and Coelho _: 12).

Yet can the poor be bothered about or have time for participation? Poor people are often said to be apathetic towards participatory governance over a long period of time and would often disengage once the problem seems to have been solved (Putzel 2004: 2). Patronage and clientelistic politics weakens public participation as the populace does not see the necessity of engaging when certain members of the community are favoured over others, in terms of resources (Navarro 2004: 262). These are but two of the challenges with (poor) people's participation.

In the light of briefly identifying the notions of decentralisation and engaging with citizens through cases studies from India and Brazil, this paper sought to highlight the participatory notions envisaged by The National Development Plan: Vision 2030 and proposed a participatory model for governance in South Africa. This type of governance should ultimately be at the local level where citizens can determine their own development through practices of deliberative democracy.

A good concluding note would be from Vision 2030, which appropriately ends as follows:

"...Transformation does not depend on highly technical processes, but rather on the participation of citizens. Citizenship must be activated in every area of the public service. In a number of instances, this is provided for in legislation (for example, education and local government) and health (oversight committees). South Africa will enjoy the full benefits of democracy when there is full and dynamic oversight and



participation by communities..." (NPC 2011(b): 429).

When we become a people-centred society rather than economic or jobs one, as important as these may be, then people's participation will play a prominent role and the people, as poor as they may be, will be given the opportunity to shape their own futures. How and when they will be uplifted from poverty will be determined by them and the state, the market and civil society will be at their service.

This has been proven in the cases of India and Brazil and will certainly be able to become a reality in South Africa if the political will exists. Yet the deliberate decision has to be made and acted upon; a decision that does move beyond mere slogans and ensure that the people are not merely consulted but that they actually govern.



Participants at the Gauteng Provincial Legislature – Senior Citizen's Parliament



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Chapter Two

Chapter Two

Public Participation National Perspectives



*Chairperson of a Standing Committee on Petitions at Gauteng Provincial Legislature,
Hon. Jacob Khawwe, presenting on effective petition systems.*

Input on Petitions Systems - South African Experiences

Salutations:

Speaker of the Gauteng Provincial Legislature, Hon. Lindiwe Maseko

Hon Speakers of the KZN and Eastern Cape Provincial Legislatures

Hon Speaker of Parliament of the Federal Republic of Nigeria

*Chairperson of the Petitions Committee of Parliament of Scotland, Hon. David Stewart:
MSP*

Members of the Legislatures

Academics of our country



Secretary of the GPL and all senior management

Speakers of the Municipalities

Councillors

Distinguished guests,

Ladies and gentlemen

Introduction

We are gathered here under the theme “The People Shall Govern; Public Participation beyond Slogans”. I am inspired by this part of the theme “Public participation beyond slogans”. Slogans are a memorable motto or phrase used, at most, by politicians. They are necessary, as they are aimed at creating “the vibe”. Much as they are a mobilisation tactic, they are not a strategy nor are slogans a delivery tool. A few slogans come to my mind, “Noma siyafa” (even if we die) which is not a call to die but a determination that nothing can stop us. “The Beautiful ones are not yet born”; this is not a mirror and physical criticism that we are ugly but is a call for a generation of loving, caring continuous reminders of our souls to do good. The Slogan “Power to the People” is used as means to express the need for the people of South Africa to control their own movements, share their own expectations, to determine their own quality life style and to hold government accountable to them. It is such slogans that give birth to proper strategies and action to advance public participation beyond rhetoric.

So we are called here in this Indaba to give practical meaning to public participation. This call is made not as a conclusion that we have been sloganeering but as a platform to assess, share and develop a common approach on the subject matter. Ours is to talk on the Petitions system which is but one tool of broad public participation.

The Gauteng Provincial Legislature (GPL) passed a Petitions Act (Gauteng Petitions Act of 2002). The Act provides for the right to submit a petition to the legislature.



Furthermore, the Act provides for the general principles governing the submission of a petition. It also encourages and protects the people of Gauteng to raise their dissatisfaction by lodging a petition to the Petitions Standing Committee. People's issues raised in the petition are deliberated by the Petitions Standing Committee and administered by the administrative support of the committee. The committee follows prescribed steps as outlined in the petition's escalation process to facilitate such petition resolution until it is considered closed and a closure form is signed. In the province, we have established functional petition committees and the system is replicated across municipalities. It is important to note that all these committees are multi-party committees which reflect an element of non-partisanship when dealing with people's concerns.

We have been working with provincial legislatures and the National Parliament to establish a common approach, whilst also improving and learning from each other. We are proud to announce here that a national process to formulate a Petitions Act of the Republic has been agreed upon. While all South Africa's legislatures have established the system, some may however not yet have passed the legislation that governs the functioning of the committee in implementing the system.

Looking at the history and evolution of the Petitions system, the actual concept of petitioning the government is said to reach at least as far back as the Magna Carta, one of the first documented formal legal systems that was composed by the Kingdom of England in 1215. In the Magna Carta (as translated into modern English), it states:

"If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall come to us - or in our absence from the kingdom to the chief justice—to declare it and claim immediate redress."



In other words, although the power was granted only to the 25 barons elected by the King, these barons still had the authority to petition the Kingdom if they felt injustices were being imposed. Later, this right to petition was further confirmed in the English Declaration of Rights, written in 1689, which states that subjects of the King are entitled to petition the King without fear of prosecution.

The right to petition government, though often overlooked in comparison with the other forms of protests, is nonetheless a very significant right that we have in this country. This right grants people not only the freedom to stand up and speak out against injustices, lack of service delivery and collective responsibility of the state and the citizens, but also grants the power to help change the conditions for better. This system allows the public an opportunity to participate effectively and to monitor the state in resolving their concerns. It also affords the government a platform to report back to the people; one of the fundamental and most critical tenets of participatory democracy. Petitions are also an effective contributor to long term planning – based on and understanding the will of the people.

It is important to single out the 4th President of the United States, President James Madison, who was the champion of the 1st amendment which introduced the clause on the right to petition. Such leaders and their courage are celebrated by all, irrespective of political ideologies. It is important to note that across the globe the system has been used effectively, though with some challenges that we will raise later.

Kids present petition. A journalist in Sydney explains "Last week I mentioned that two elementary students decided to be a voice for their neighbourhood in advocating for better roads and safety. Rohit Kochha, 10, and friend Andrew Lively, 11, got 78 signatures from residents in the Churchill Drive area of Sydney and presented the petition to the regional councillor of the

area. Honestly, I never ever met two more determined kids in my life. They are bright kids and their concerns for better roads and safety will be addressed". We too can have such if we work together and promote the system.

The Petitions system has not been a 100% success story. Two examples can be found in the Chinese and UK petitioning system. The number of petitioners in Beijing alone has allegedly reached more than 100,000, not counting those that remain at provincial capitals. The number of people using the petition system has increased since 1993, to the extent that the system has been strained for years. Official statistics indicate that petition offices annually handled around 10 million inquiries and complaints from petitioners from 2003 to 2007.

However, despite its enduring nature and political support, the system has never been an effective mechanism for dealing with the complaints brought to it. The England/South African experience, during the period of Colonialism of a Special Type, was that petitions from Africans did not get a positive response. I wish to single out a section of the 1919 petition, by the then President of the African National Congress, President Sefako Makgatho, which reads:

"We further express the hope and wish that during Your Majesty's Reign, all races and Nations will be treated fairly and with justice, and that there will be no discrimination on account of colour or creed; and will enjoy the right of citizenship, freedom and liberty under your flag".

These experiences show the degree of how governments and authorities can make public participation slogans and rhetoric. We are a generation that must build effective, workable and reliable petition systems. We do this as an obligation but also warned by historical events and writings. Ironically, I read such warnings in the book, *The Prince* by Niccolo Machiavelli. He says and I quote:



"What happens is that men willingly change their ruler, expecting to fare better. For always, no matter how powerful one's armies, in order to enter a country one needs the goodwill of the inhabitants. It was for these reasons that Louis XII, king of France, speedily occupied Milan and speedily lost it".

Ours is to work hand in glove with the inhabitants. South Africans participated in the process of the adoption of the Constitution of the Republic which provides the following:

- Section 17 - everyone has the right to peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.
- Section 33 (1)(2) – everyone has the right to administrative action that is lawful, reasonable and procedurally fair; and everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.
- Section 115 (d) - Evidence or information before provincial legislatures during the submission of a petition, representations or submissions from any interested persons or institutions. The section provides that the legislatures are entitled to any relevant information that may be required to assist during the adjudication of a petition.
- Section 118: Public access to and involvement in provincial legislatures which stipulates that provincial legislatures must conduct its business in an open manner but always regulated public and media during its deliberations on reasonable means.
- Section 195: Basic values and principles governing public administration must be effectively promoted. Among these principles are: a high standard of professional ethics being promoted; services being rendered impartially, equitably without any biasness, and people's needs being responded to and people being encouraged to participate in policy-making processes.

Given the political willingness, constitutional obligation and the legislature's commitments, we, in the standing committee for Petitions in Gauteng, have been involved in the following:

- Participation in the Speakers forum – the PSC is a sub-committee of the Speaker's Forum of the Gauteng Province. During the forum, debates regarding the petitions system are conducted and all Speakers from different municipalities are also allowed to make presentations on the status of their system.
- We are dealing with about 65 petitions per quarter (3 months) which represent a significant growth from 7 petitions a year in the previous political term.
- Petitions Seminar – we have conducted 2 (two) petitions seminars. The sole purpose was to continuously promote public awareness and education of the system and to share experiences about the system. Furthermore, to clarify the role of the legislature with regard to the petitions system and to debate possible mechanisms to strengthen the system. A declaration was also signed at the end of these seminars. The declaration included, among others,; develop a structured approach to undertake public participation; review legislation envisaging public participation; emphasis on the entry point for petitions; forging the relationships with the Institutions Supporting Democracy (ISD's) specifically the Public Protector; and to adopt a standardised provincial policy and escalation process.
- Relations with Provincial Departments (MEC's) – the committee has, in line with its plans, taken the initiative to extend the road shows to the Executive authorities with regard to the petition's system.
- Development of the regulations of the Petitions Act – we are in a process of developing the regulations of the Petitions Act which will assist with regard to the application of the Act.
- Where necessary, subpoena the Authorities – the Act empowers the committee to subpoena any authority that does not honour invitation to the petitions hearing. Authorities are then required to appear before the committee and to effectively



engage with the committee on the petition raised.

- Establishment of the Closure Form – the purpose of the form is to get confirmation to the closure of the petition and also to comply with the Auditor General's requirements.
- Adoption of the escalation process – this intervention was made to track the status of the petition as submitted to the committee.
- Adoption of the Rapporteur System – the introduction of this system is to allow active participation and accountability of the Members of the PSC. Furthermore, members are deployed as rapporteurs to liaise with the petitioners and oversee progress made with regard to complaints raised and advise the committee accordingly. This is representative democracy in action.

To date, we have received petitions from individuals, particularly of middle age; organised formations and community based organisations, political parties and members of the legislature including the Speaker of GPL. Petitions received have been on the following areas;

- Service delivery,
- Policy issues,
- Housing issues including RDP houses,
- School safety,
- Payment problems,
- Land rezoning,
- Billing System,
- Ejections of residents (including Pensioners),
- Storm Water Drainage Systems,
- Investments (Marung),
- Traditional Leadership,
- Vacant Buildings,

- Encroachment of walls (by-laws),
- Title deeds,
- Language policy issues,
- Tolling System.

As we said earlier things are not easy and there are challenges while seeking to build an effective system. Amongst these are:

- Legislation governing the petitions system has not been passed by National Parliament and other Legislatures.
- Standardisation of the system across the country. For example, in Gauteng the committee dealing with petitions is called Petitions Standing Committee and in Eastern Cape it's called Public Participation and Petitions Committee. One might assume petitions are separated from public participation.
- Unfair public participation to other petitioners – a normal practice for petitions hearing is that they are conducted during the working days on normal working hours. The petitioner(s) must take a day off from his/her workplace to attend to his/her hearing, this often poses a challenge and may compromise what should be a fair and effective public participation and petitions system.
- Lack of e-governance on the system – our country is quickly catching-up with the modern technology and systems must also respond to such technologies. The petitions system within the legislatures in the country is done manually.
- Institutionalise and Mainstreaming the Petitions system – it becomes a challenge if the system becomes an add-on to the activities of the legislatures. It requires a buy-in from leadership to support and provide resources for effective implementation of the system. This will promote accountability and ownership of the process.
- Authorities' tendency of disregarding the recommendations made during the petitions hearing. This compromises the effectiveness of the system and trust from the petitioners and the people at large about the system.



- Possibility of abuse by petitioners- not all petitioners are apolitical and honest
- Legalising escalation process in particular in finding mutual solution.

Conclusion

It is our conviction that this system works. It provides a workable tool at the disposal of our people. Indeed there is a room for improvement and this demands responsive authorities, members who have the heart and ears for the people and institutional mechanisms that are geared towards a service based attitude.

We have confidence that this Indaba will provide new ideas and best practice to assist us improve our work. We wish to conclude by reaffirming the words by the 2nd ANC President Sefako Makgatho:

“We pledge ourselves to continue this lifelong struggle for a South Africa that is legitimate, non-racial, non-exploitative, free, independent, democratic, and playing its proper role amongst the nations of the world”.

Thank you.



Public Participation Event

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The Myth of Public Participation in the Law-Making Process: A South African Perspective

“... Consultation demands an engagement with the public in order to ascertain what the public’s wishes and demands are so that policy can reflect those views”.²³

Presented by Moses Retselisitsoe Phooko and Chiedza Simbo, North West University, Mafikeng, South Africa

Abstract

The birth of a new constitutional dispensation places an emphasis on the public to play an active role in the law-making process as mandated by the principles of participatory democracy provided for in the constitution of South Africa Act 108 of 1996. This participation has resulted in a series of court cases wherein the electorate, *inter alia*, challenged the legislator’s unfavourable outcome on the basis that the results did not reflect the wishes of the electorate.

The central question presented in this paper is whether the views of the public are merely a matter of procedure or are in actual fact taken into consideration in the law-making process? In an attempt to answer this question, the paper will evaluate and critique some of the Constitutional Court decisions on public involvement in the law-making process.

The argument presented in this discourse is that if the electorates’ wishes are indeed considered by those who facilitate public involvement, then the outcome should reflect the peoples’ demands. An otherwise negative outcome shows that public participation in the law-making process is a myth because the outcome after the consultation process is contrary to the public wishes.

²³ Deegan, Heather (2002) A critical examination of the democratic transition in South Africa: the question of public participation. *Commonwealth and Comparative Politics*, 40 (1) pp. 43-60. The authors use the words consultation, facilitate, engagement and involvement interchangeably throughout the discussion.

²⁴ Moutse Demarcation Forum and Others v President of the Republic of South Africa and Others (Moutse) 2011 (11) BCLR 1158 (CC) para 48.

²⁵ *Ibid.*

²⁶ Preamble to the Constitution



1. Introduction

The South African Constitution contemplates a democratic society that is participatory in nature.²⁴ It contemplates the meaningful involvement of the public at every stage of the law making process.²⁵ The preamble of the South African Constitution lays the foundations of a democratic and open society in which the government is based on the will of the people...²⁶ To build its foundations the Constitution places duties on the National Assembly²⁷ (NA), National Counsel of Provinces (NCOP)²⁸ and provincial legislatures to facilitate public participation in the law making process. These duties are outlined in section 59(1) (a), 72(1)(a) and 118(1)(a).²⁹

Whilst the Constitution recognizes the need for public participation, there is no agreed universal definition of what public participation means. At the very least, the Constitutional Court has held that public participation in the law making process is an opportunity for the people who are likely to be affected by the proposed legislation to make representations either orally or in writing.³⁰ The opportunity should not just be a thought provoking and futile exercise but rather public participation “demands an engagement with the public in order to ascertain what the public wishes and demands are so that policy can reflect those views”.³¹ This view is preferred. The process of engaging the public should be to obtain the concerns of those who are likely to be affected by the proposed law so that they can influence legislation. If the views are indeed considered, the law in question should reflect the wishes of the people. An otherwise result to the contrary indicates that public engagement in the law-making process is a myth.

²⁷ Section 42(3) of the Constitution.

²⁸ Section 42(4) of the Constitution.

²⁹ The relevant constitutional provisions provide: Section 59(1) requires the National Assembly to “(a) facilitate public involvement in the legislative and other processes of the Assembly and its committees”. Section 72(1) requires the NCOP to “(a) facilitate public involvement in the legislative and other processes of the Council and its committees”. Section 118(1)(a) requires a provincial legislature to “(a) facilitate public involvement in the legislative and other processes of the legislature and its committees”.

³⁰ *Doctors for Life International v Speaker of the National Assembly and Others (Doctors for Life)* 2006 (12) BCLR 1399 (CC) at 1408-09 J. King and Others v Attorneys Fidelity Fund Board of Control and Another BCLR 462 (SCA) paras 26 - 24.

³¹ See Degaan in 1 above.



This paper analyzes the jurisprudence of the Court on public participation in the law-making process and argues that the right to public participation has been taken as merely a procedural aspect and it has not produced any substantive result. After analyzing the various constitutional cases on public participation in the law making process, the conclusion in this paper is that the process of obtaining public views is merely a fruitless exercise which provokes the emotions of the affected but ultimately the law in question does not reflect the wishes and demands of the public.³²

2. The Duty to facilitate public participation

Public participation or the duty to facilitate public participation in the law-making process has been at the centre of South African constitutional jurisprudence. Therefore, it becomes necessary to illustrate how the Court has outlined the concept of the duty to facilitate public participation as it has been outlined by the Court. It is against this background that in the next section of the paper we evaluate the actions of the legislature in facilitating public participation.

The nature and scope of the duty to facilitate public participation was outlined in *Doctors for Life International v Speaker of the National Assembly*.³³ In this case, the applicant alleged that during the legislative process that resulted in the promulgation of four statutes namely, the Choice on Termination of Pregnancy Amendment Act 38 of 2004, the Sterilisation Amendment Act 3 of 2005, the Traditional Health Practitioners Act 35 of 2004, and the Dental Technicians Amendment Act 24 of 2004, the NCOP and the provincial legislatures did not comply with their constitutional obligations to facilitate public participation in the law-making processes as required by the Constitution.³⁴

The Court referred to all the challenged laws collectively as “health legislation”.³⁵ The applicant argued that the NCOP and the various provincial legislatures were required to invite written submissions and hold public hearings on these statutes.³⁶ The respondents denied these allegations and insisted that both the NCOP and various



provincial legislators had complied with their constitutional duty to facilitate public participation in the law making process.

There were five issues³⁷ presented before the court but only three are central to this paper. The first question concerned the scope of the duty of a legislative organ to facilitate public participation in the law-making process.³⁸ The second issue was whether the NCOP and provincial legislators had complied with their constitutional obligations to facilitate public participation in enacting the health legislations.³⁹

The third issues concerned the extent to which the court can interfere in the action of the legislative body in order to ensure that it complies with its obligation to facilitate public participation in the law-making process.⁴⁰ The applicants contended that the NCOP and the provincial legislatures had failed to comply with their constitutional obligations to facilitate public involvement as contemplated in section 72(1) (a) and section 118(1) (a).⁴¹ The Court stated that before answering the questions above, the duty to facilitate public participation had to be understood in light of this context, ‘(a) the constitutional role of the NCOP in the national legislative process and, in particular, its relationship to the provincial legislatures; (b) the right to political participation under international and foreign law; and (c) the nature of our constitutional democracy.’⁴²

The Court then stated that under international laws’ right to political participation, the citizens own the sovereign authority of the nation as such they should participate in its governance.⁴³

33 *Doctors for Life International v Speaker of the National Assembly and Others* 2006 (12) BCLR 1399 (CC).

34 *Ibid* at 1408 E - F.

35 *Ibid* H.

36 *Ibid* at 1409 B.

37 See *Doctors for Life* at 1410 C. The other issues not relevant in this case were (a) whether the court had exclusive jurisdiction to hear the dispute under section 167(4)(e) of the Constitution? (b) Whether it was competent under the constitutional order for declaratory relief to be granted by a court in respect of the proceedings of Parliament? The court answered these questions in the affirmative.

38 See *Doctors for Life* at 1410 C.

39 *Ibid*.

40 *Ibid*.

41 See fn 7 above for the provisions of sections 72(1)(a) and 118(1)(a).

42 *Doctors for Life* at 1428 J.

43 *Doctors for Life* at 1440 C.

Turning to the South African Constitutional democracy, the Court stated that South Africa is found on an open and democratic society in which governance is based on the will of the people.⁴⁴ The Constitution expresses this by having provisions that places duties to facilitate public participation on national and provincial legislatures and through these provisions, the people of South Africa reserved for themselves part of the sovereign legislative authority that they otherwise delegated to the representative bodies they created.⁴⁵ The Court stated that the plain dictionary meaning of public participation means the participation of the public in something such as facilitating public participation in the law-making process means steps have to be taken to ensure that the public participates on the law-making process.⁴⁶ The Court further stated that the Constitution contemplates both a representative and a participatory democracy which is transparent, responsive and accountable and gives the public the opportunity to participate in the law-making process.⁴⁷ There should be a balance between the representative and the participatory elements of the South African Democracy.⁴⁸ The Court explained it as follows:

Section 72(1)(a), like section 59(1)(a) and section 118(1)(a), addresses the vital relationship between representative and participatory elements, which lies at the heart of the legislative function. It imposes a special duty on the legislature and pre-supposes that the legislature will have considerable discretion in determining how best to achieve this balanced relationship. The ultimate question is whether there has been the degree of public involvement that is required by the Constitution.⁴⁹

The Court further stated that the Constitution does not prescribe how the parliament and the legislators are to fulfill their duty to facilitate public participation rather they have a discretion on how best they will do it.⁵⁰ However, the Court firmly stressed too; no matter how great the discretion of the legislature is, 'the courts can, and in appropriate



cases will, determine whether there has been the degree of public involvement that is required by the Constitution.⁵¹ Whilst what is required by section 72 (1) (a) differs from case to case, the legislature has the duty to act reasonably in doing its duty to facilitate public participation.⁵² The Court emphasised that the standard or reasonableness is used throughout the Constitution and should be the one that is used in relation to measuring the extent of compliance with the duty to facilitate public participation on the legislature.

The reasonableness of the actions of the legislature will be judged by a number of factors such as:

The nature and importance of the legislation and the intensity of its impact on the public are especially relevant. Reasonableness also requires that appropriate account be paid to practicalities such as time and expense, which relate to the efficiency of the law-making process. Yet the saving of money and time in itself does not justify inadequate opportunities for public involvement. In addition, in evaluating the reasonableness of Parliament's conduct, this Court will have regard to what Parliament itself considered to be appropriate public involvement in the light of the legislation's content, importance and urgency. Indeed, this Court will pay particular attention to what Parliament considers to be appropriate public involvement.⁵³

The Court stressed that what is important is that the legislature takes steps to give the public a reasonable opportunity to effectively participate in the law-making process.⁵⁴ The Court summed up to say the duty to facilitate public involvement has two legs, 'first is the duty to provide meaningful opportunities for public participation in the law-making process. The second is the duty to take measures to ensure that people have the ability

44 Ibid. 45 Ibid.
46 Ibid at 1443 D.

47 Ibid at E.
48 Ibid at F.

49 Ibid.
50 Ibid at 1444 B.

51 Ibid at D.
52 Ibid at E.

53 Ibid at 1445 B.
54 Ibid.

to take advantage of the opportunities provided.⁵⁵ The Court stressed that the duty to facilitate public participation is meaningless if there is no effort to ensure that the public does participate.⁵⁶ Participation is meaningful when the public is given time to participate before decisions by the legislatures are made and not when they are about to be made.

The Court further stressed that '[t]he requirement that participation must be facilitated where it is most meaningful has both symbolic and practical objectives: the persons concerned must be manifestly shown the respect due to them as concerned citizens, and the legislators must have the benefit of all inputs that will enable them to produce the best possible laws.⁵⁷ Allowing the public to participate is not enough, measures must be taken to facilitate its participation in the law-making process.⁵⁸ With regard to all the relevant factors mentioned above, the Court held that the NCOP did not hold public hearings with regards to the Choice on Termination of Pregnancy Amendment Act, 2004 and the Traditional Health Practitioners Act, 2004 and as such did not comply with its obligation to facilitate public participation and were thus inconsistent with the Constitution and invalid.⁵⁹

This ruling demonstrated the ability of the Constitutional Court to utilize the democratic principles enshrined in the constitution in order to promote participatory democracy. In Nyathi's words, "this judgment clearly breaks away from the history that saw arbitrary legislative decision and the marginalisation of the majority of South Africans".⁶⁰ This view is supported. This is a major shift from the apartheid style where the people were moved to various homelands against their will.⁶¹ The decision illustrates the necessity to consult with the people prior relocating them.

The duty to facilitate public participation in the law-making process was further spelt out in *Matatiele Municipality and Others v President of the Republic of South Africa and others*.⁶² In this case, Parliament adopted the Twelfth Amendment of 2005 and the Cross-boundary Municipalities Laws Repeal and Related Matters Act 23 of 2005 to alter



boundaries of KwaZulu- Natal and the Eastern Cape. The effect of these legislations was that the local municipality of Matatiele would be transferred from KwaZulu-Natal Province into the Eastern Cape Province.⁶³ This meant that the people who previously belonged to KwaZulu-Natal would now belong to the Eastern Cape.

The applicants challenged the constitutional validity of the aforesaid laws on the basis that they re-demarcated Matatiele Municipality and removed it from KwaZulu-Natal into the Eastern Cape without consulting the affected people.⁶⁴ In particular, the applicants alleged that the KwaZulu-Natal legislature had failed in discharging its constitutional duty to facilitate public participation as such the Twelfth amendment part that concerned Matatiele was passed contrary to constitutional provisions.⁶⁵

The Court observed that the Kwazulu-Natal legislature had considered hearings as an effective way of facilitating public involvement and had acknowledged their duty to involve the public in making the law that would alter the boundaries of their province but it failed to hold public hearings or invite representations.⁶⁶ The Court emphasized that the Constitution permitted public participation in the law-making process in order to offer the public an opportunity to influence the decision of law makers.⁶⁷ This meant that the law makers had to consider the representations of the public and then make informed decisions.⁶⁸ After concurring with the description of the duty to facilitate public participation as it was stated in *Doctors for Life*,⁶⁹ the Court reinforced that the duty to facilitate the participation of the public would have no meaning if the legislators would not 'provide opportunities for the public to be involved in meaningful ways, to listen to their concerns, values, and preferences, and to consider these in shaping their decisions

60 Nyati L. Public Participation: What has the Constitutional Court Given the Public? Law, Democracy and Development Vol. (12) (2) 2008 102.

61 Ibid.

62 Matatiele Municipality and Others v President of the Republic of South Africa and Others 2007 (6) SA 477 (CC).

63 Matatiele Municipality and Others v President of the Republic of South Africa and Others 2007 (6) SA 477 (CC) para 2.

64 Ibid para 69.

65 Ibid para 3.

66 Matatiele para 78.

67 Ibid para 97.

68 Ibid.

69 Matatiele para 88.



and policies.⁷⁰ The Court also recognized that the Twelfth Amendment Act affected the *Matatiele* peoples' right to citizenship enshrined section 21 (3) of the Constitution.⁷¹

The people of Matatiele had the right to enter in the republic, to remain in the republic and to be in the province of their choice.⁷² As such, the provincial legislature of KwaZulu-Natal had a constitutional obligation to safeguard the interest and territorial integrity of the province. The court ruled that the KwaZulu-Natal legislature was required by section 118(1)(a) of the Constitution to facilitate public involvement by holding public hearings in the area of *Matatiele* and its failure to do so violated not only section 118(1) (a) but also section 74(8) of the Constitution as such part of the Twelfth amendment that affected Matatiele was declared invalid.

The duty to facilitate public participation in the law-making process was also reinforced in *Tongoane and Others v National Minister for Agriculture and Land Affairs and Others*⁷³ Among other issues, the applicants challenged the constitutionality of the Communal Land Rights Act 11 of 2004 (CLARA) on the ground that Parliament had failed to comply with its constitutional obligations to facilitate public involvement in the legislative process in terms of sections 59(1) (a)⁷⁴ and 72(1) (a)⁷⁵ of the Constitution before enacting CLARA. The Court first stated the requirements of facilitating public participation as they were dealt with in *Doctors for Life*. It further stated that parliament is no longer supreme and is therefore bound by the provisions of the Constitution when enacting laws.⁷⁶ If the Constitution states the procedure of enacting certain laws involves public participation, parliament should have followed that procedure.⁷⁷ The Court then declared CLARA to be invalid.

3. No public participation in South Africa: Just a myth

In the cases discussed above the Court had an opportunity to spell out the scope and content of the duty to facilitate public participation in the law-making process. In the cases discussed here, the Court was given opportunities to compare what it earlier

70 Ibid para 97
71 Ibid para 80.
72 Ibid.

73 In this case the applicants were a group of communities who occupy rural land. Their use and occupation of the land was regulated by customary law. Parliament promulgated the Communal Land Rights Act 11 of 2004 (CLARA) in order to provide legally secure tenure to people or communities whose tenure of land is legally insecure because of apartheid laws. Parliament adopted CLARA following section 75 of the constitution (i.e. Bills not affecting the provinces). The applicants challenged the procedure adopted on the grounds



believed to have constituted the duty to facilitate public participation in the law-making process against what the legislature had done. The conclusion after analysing the cases below is that the legislature is not taking the right for the public to participate in the law-making process seriously and on the other hand, the Courts' decisions reflect South Africa with a supreme parliament rather than a participatory democracy.

Despite the fact that the legislature purported to facilitate public participation in the law-making process in the cases discussed below, the process falls short of what was really required. The disputed laws reflect nothing about the wishes of the people.. If laws reflect nothing about the wishes of the people it arguably means people might have been present to participate but they did not influence the law-making process or that their views were not considered. If legislature is not being influenced by the views of the people, it means the participation of the people (if it is there at all) is a waste of their time. The Court has said the purpose of the duty to facilitate public involvement in the law making process is to ensure that at the end the laws reflect the views of the public.⁷⁸ The cases are discussed and analysed individually below.

(1) Merafong Demarcation Forum and Others v President of the Republic of South Africa and Others (Merafong)

In this case the Parliament passed the Twelfth Amendment of 2005 which altered provincial boundaries.⁷⁹ Consequently, Merafong City Local Municipality was relocated from Gauteng Province to the North West Province.⁸⁰ This meant that the people

that CLARA in substantial measure deals with "indigenous and customary law" and "traditional leadership" which are functional areas listed in Schedule 4. As a result, CLARA was supposed to be enacted as a Bill affecting the provinces in terms of section 76 of the constitution. The applicants' concern was that CLARA would change their "indigenous-law-based system of land administration" and replace it by a new system that CLARA sought to introduce. The effect is that CLARA would change the manner in which traditional leaders and tribal authorities administer their land and subject it to the control of traditional councils.

74 Section 59(1)(a) of the Constitution provides: "The National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees".

75 Section 72(1)(a) of the Constitution provides: "The National Council of Provinces must facilitate public involvement in the legislative and other processes of the Council and its committees".

76 Tongoane para 108.

77 Ibid.

78 *Doctors for Life* 1449 B - C.

79 The Constitution's Twelfth amendment provoked a lot of emotions amongst communities it affected. It was the subject of challenge in the *Moutse* case, *Matatiele 1* and *2* cases and *Merafong* case as communities argued that they were not consulted in the drafting of the law and if they were consulted, their views were not taken into account.

80 *Merafong Demarcation Forum and Others v President of the Republic of South Africa and Others* 2008 (5) SA 171 (CC); 2008 (10) BCLR 969 (CC) para 1.



who previously belonged to Gauteng Province would now belong to the North West Province. One of the basis that the applicants challenged the constitutionality of the Twelfth Amendment Act was that the Provincial Legislature failed to comply with its constitutional obligation to facilitate public involvement in its processes leading up to the approval of the Twelfth Amendment Bill by the National Council of Provinces (NCOP). During the hearings and as presented in oral and written submissions, the majority of the people opposed to be relocated to the North West Province and chose to remain in Gauteng.⁸¹

The applicants' refusal to be transferred to the North West Province was supported and a "negotiating mandate was adopted"⁸² in light of the majority's wishes.⁸³ Despite such mandate, the Gauteng Provincial Legislature, without further consulting with the public, unilaterally deviated from the negotiating mandate and supported the Amendment Bill that included the Merafong Municipality in the North West Province.⁸⁴ One of the issues before the court was, whether the Gauteng Provincial Legislature complied with its obligation to facilitate public involvement when it considered and approved that part of the Twelfth Amendment which concerned Merafong.⁸⁵ The court found that there was no evidence to suggest that the Gauteng Legislature did not facilitate public involvement. The applicants' case was thus dismissed and the area was transferred to the North West Province.

Analysing the Merafong decision

The Merafong case arguably represents a clear indication that public participation is a myth. The residents of Merafong opposed to be relocated to the North West Province.⁸⁶ Such resistance was accepted by the public and the Merafong community was promised that they would remain in the Gauteng Province.⁸⁷

However, the government unilaterally changed its position to support Merafong's resistance and voted in favour of the Bill that moved Merafong to North West



Province.⁸⁸ The Court did not condemn the actions of the legislature as a move that is unconstitutional and against the idea of an open democracy where governance is based on the will of the people. Rather the Court stated that participating in the law-making process does not mean that your view should be taken into account or that they bind the legislature.⁸⁹

The Court did not place a mandate on the legislature to ensure that laws reflect the wills of the people as it stated in *Doctors for Life*. But it stated that what is required is that the legislature should be open minded to the views of the people and be willing to consider them, but it has no legally binding mandate to consider them.⁹⁰ In assessing the reasonableness of the actions of the legislature in changing what it had agreed with the people during consultations, the Court refused to acknowledge that the discourteous behaviour of the legislature amounted to a failure to facilitate reasonable measures to facilitate public involvement required by section 72 (1)(a) and section 118 (1) (a).

Earlier in the *Doctors for Life* case, the Court had stated that in assessing reasonableness of the legislatures actions, special attention will be paid to the 'nature and importance of the legislation and the intensity of its impact on the public are especially relevant'.⁹¹ This issue was never properly taken into account to condemn the deceptive and manipulative actions of the legislature which brought an end to important discussions by false representations to the public rather the Court just

In other words, the Minister of Provincial and Local Government (Minister or second respondent) and the Provincial Legislature were well aware of the resistance of the majority of the affected communities to their incorporation into another province. It is so that the Bill was introduced and passed in the National Assembly on 15 November 2005, despite the protest and resistance of the overwhelming majority of the residents and formations of civil society concerned.⁹²

⁸² The Portfolio Committee on Local Government in principle, supports the phasing-out of cross-boundary municipalities as envisaged by the Constitution Twelfth Amendment Bill [B33B-2005]; in light of the outcome, impact assessment and analysis of the public hearing submissions, agrees with the inclusion of the geographical area of Merafong municipality into the West Rand District municipality in the Gauteng Province; recommends to the House, amendment to Schedule 1A of the Constitution Twelfth Amendment Bill [B33B-2005], to provide for the inclusion of the municipal area of Merafong into the municipal area of the West Rand District Municipality of the Gauteng Province.

⁸³ Merafong para 34.

⁸⁴ Ibid para 58.

⁸⁵ The other issue was whether the legislature exercised its legislative powers rationally.

⁸⁶ See Merafong fn 57 above.

⁸⁷ See fn 58 above.

⁸⁸ Merafong paras 55 – 60.

⁸⁹ Merafong para 50.

⁹⁰ Ibid para 51.

⁹¹ *Doctors for Life* at 1445 B.

⁸¹ Merafong para 103. The opposition to be relocated to the North West is better captured in the dissenting judgment of Moseneke J where he states that: "[there was a] vehement and public opposition of the affected

community to the incorporation of their residential areas into North West. The record is replete with copies of written submissions to national, provincial and local spheres of government detailing why the community wishes to remain within Gauteng. . . . Often their resistance took the form of public gatherings or protest marches. The opposition played itself out well ahead of November 2005 when formal involvement of the community in the law-making process, as envisaged by section 118(1)(a) of the Constitution, took place.

acknowledged that “the attachment of people to provinces in which they live should not be underestimated”⁹² and nonetheless ruled that “discourteous conduct [by the legislature] does not equal unconstitutional conduct which has to result in the invalidity of the legislation”.⁹³ The Court also disregarded its views in *Doctors for Life* that there should not be a conflict between the representative and the participatory elements of the South African democracy but rather there should be a balance. The Court did not seek a balance between the wishes of the Merafong community and the wishes of the legislature. Rather it stated that although the government has to consider the views of minority groups, the legislature would not function if it was bound by such views.⁹⁴

In essence, it stated that the wishes of the legislature were more superior to the wishes of the public. At the very least, the legislature ought to have consulted with the people and update them of the new developments instead of leaving them under the impression that they would remain in Gauteng. While the court should respect the autonomy of the legislature, it stated in *Doctors for Life* that no matter how great the discretion of the legislature is, ‘the courts can, and in appropriate cases will, determine whether there has been the degree of public involvement that is required by the Constitution’.⁹⁵

The involvement that is required by the Constitution is that policy should be influenced by people’s views and not that the people should be involved, but their views can be completely disregarded. The majority judgment in the Merafong case further states that cases concerning the constitutional amendment like the present one should be brought to court without delay because of logistics and resources that may be concerned if the action is brought later.⁹⁶ Unfortunately, the same judgment states that if legislature changes its mind without updating people affected, the legislature should be held accountable through elections and not necessarily through the Courts.⁹⁷

These elections come after five years and people have already been relocated to other

⁹² Merafong para 22.
⁹³ Ibid para 29.
⁹⁴ Ibid para 50.

⁹⁵ *Doctors for Life* at 1444 D-E.
⁹⁶ Merafong para 15. See also *Doctors for Life International v Speaker of the National Assembly and Others* 2006 (6) SA 416 (CC) para 216; 2006 (12) BCLR 1399 (CC) at 1467A-B; *Poverty Alleviation Network and Others v President of the Republic of South Africa and Others* 2010 (6) BCLR 520 (CC) para 27 and *Moutse Demarcation Forum and Others v President of the Republic of South Africa and Others* 2011 (11) BCLR 1158 (CC) para 24.



provinces against their wills. How will five years solve this? The dissenting judgments of Sachs and Moseneke J., which found that the “approval by the Gauteng Provincial Legislature of the incorporation of Merafong into the province of North West was given in a manner that was inconsistent with the way it was obliged by the Constitution to exercise its powers” is supported.⁹⁸

People look up to the Courts to vindicate their constitutional rights. Consequently, where the courts do not intervene in cases where there was a total disregard of the views of the people and failure to update them about the new developments, people would arguably have no faith in what is called “public participation in law-making process”.

(b) **Moutse Demarcation Forum and Others v President of the Republic of South Africa and Others (Moutse)**

Parliament adopted the Twelfth Amendment of 2005 and the Cross-boundary Municipalities Laws Repeal and Related Matters Act 23 of 2005 which authorized the transfer/relocation of provinces from one part to another vice and versa.⁹⁹ The effect of these legislations is that Moutse 1 and Moutse 2 would be relocated from the Mpumalanga Province to the Limpopo Province. Similar to the case of Merafong, Matatiele 1 and Matatiele 2, the applicants were opposed to relocation from their province to the Limpopo Province. Among other issues, the applicants challenged the constitutionality of the Twelfth Amendment Act on the ground that the public participation process that resulted in the passing of these laws was inadequate.

The Court found in favor of the provincial legislature. In reaching its conclusion, the Court acknowledged that the community of Moutse was a discrete group¹⁰⁰ and had

⁹⁷ Merafong para 60.
⁹⁸ Merafong paras 24 and 287.
⁹⁹ Moutse para 1.

¹⁰⁰ Moutse para 57. The phrase “discrete group” was first used by this Court in *Matatiele II*. It was employed to describe a group of people who are directly affected by an alteration of provincial boundaries as a result of being located where the change is effected. For example, this may occur if an area is relocated from one province to the other. In that context, both the relocated group and the residents of the municipality it joins in the other province constitute discrete groups, which the respective provincial legislatures are expected to hear before the changes are approved. The phrase is used in contradistinction to the wider community in a province.

to be given an opportunity to be heard in the formation of any law that affects the alteration of their boundaries.¹⁰¹ The Court then stated that compliance with section 118 (1) means two things, first, that the legislature must invite the public to participate in the hearing and give them sufficient time to prepare otherwise there will be no meaningful participation of the public because they will not have had time to 'to study the Bill, consider their stance and formulate representations to be made'.¹⁰²

Secondly, the time or stage the hearings are made should not be just before the final decisions are made by the legislature otherwise that will not afford the public the opportunity to meaningfully participate.¹⁰³ The Court stated that the process of participation should be able to influence the decisions to be taken by the legislature as such the question of sufficient notice will depend on a case by case basis.

On the issue of notice, the Court then conceded that the Moutse community received a short notice to hold the meeting from the provincial legislature.¹⁰⁴ However, the Court stated that the people should have complained and their failure to complain was a sign that they were ready for a hearing and therefore their complaint could not be heard. On the issue that a hearing of more than 500+ people hearing was not meaningful as it only lasted 2 hours, the Court stated that representatives were made on behalf of organizations not individuals and the individuals were represented by a forum which made its representations through its chairperson.¹⁰⁵

The Court stated that the arguments of the people on the matter had no merit since the 500+ of them were represented by one person. The community also contended that the Portfolio Committee of the provincial legislature had presented a skeletal report to the legislature which did not "include a full and faithful discussion and consideration of, inter alia, the Moutse hearing of 8 December 2005."¹⁰⁶ The Court stated that the report was skeletal but the Court was not entitled to pronounce 'on the adequacy of the information at the disposal of a deliberative body such as the legislature before it makes a decision'.¹⁰⁷ The Court said that the 'Provincial Legislature has a discretion to

101 Moutse para 57.
102 Ibid para 61.
103 Ibid para 63.

104 Ibid paras 64 – 65.
105 Ibid para 67.

106 Moutse para 77.
107 Ibid para 80.

108 Ibid.



choose the method of facilitating public participation; it is undesirable for this Court to prescribe to the Legislature what a report to it should contain.¹⁰⁸ The challenge of the public based on failure of the legislature to facilitate public participation failed.

Analyzing the Moutse decision

In deciding this case the Court did not consider that the views, wishes and concerns of the Moutse people were not taken into account by the legislature. The Moutse people did not want to go to the Limpopo Province and that was never considered by the legislature. The views of legislators as representatives of the people regarding the demarcation of provinces were important but the views of the people also had paramount importance and had to be considered in compliance with the Constitution.

The Court had earlier on stated that the representative and participatory elements of our democracy are not in conflict and should not be in conflict with each other rather they should be balanced. It seems from the Court's decision that it cemented



Hon Uburu Moiloa: Gauteng Provincial Legislature, Deputy Speaker

the conflict between the public which had to participate and the legislature which had to represent the public interest. There was no attempt to balance the representative and participatory elements of our democracy so that the views of the people could also be spelt out in the. Yet the Constitution contemplates that the people will have a voice in the legislative organs of the State not only through elected representatives but also through participation in the law-making process.¹⁰⁹

On the same point, the Court should have considered that more than 500+ people in the Moutse community were represented by one forum and only one member of the forum presented the view of such a big community. Meaningful participation meant that the legislature should have made an effort to conduct hearings where individual members of the community are given a chance to say out their representations too. In addition the Court in the Tongoane case earlier on said:

“Constitutional cases cannot be decided on the basis that Parliament or the President acted in good faith or on the basis that there was no objection to action taken at the time that it was carried out. . . . The Constitution itself allows this Court to control the consequences of a declaration of invalidity if it should be necessary to do so. Our duty is to declare legislative and executive action which is inconsistent with the Constitution to be invalid, and then to deal with the consequences of the invalidity in accordance with the provisions of the Constitution.”¹¹⁰

The fact that the Moutse community did not object to the short notice does not sanctify the actions of the legislature. Given that the balance of power between the Parliament and the public is not the same; the Court should have seriously critiqued such legislative action and evaluated it against the duty to facilitate public participation as it was laid down in Doctors for Life. The Court even stated that it has no place to tell the legislature what a report from the people should contain or how it conducts its public participation meetings. The Court did not protect the people against the draconian actions of legislators which were completely against their two-pronged duty

¹⁰⁹ Matatiele 2 paras 60 – 61.
¹¹⁰ Tongoane para 104.

¹¹¹ Poverty para 63.



to facilitate public participation as it was outlined in the Doctors for Life case above. It follows that there are slim chances that future cases by the public will ever succeed on grounds that the legislators failed to facilitate public hearings because of the principle of separation of powers.

The Moutse community, despite its concerns about being relocated to the Limpopo Province, now finds itself in the province stripped of its powers to govern itself, in dire financial crisis, and under the administration of the National Government. This case shows us that the right to public participation in legislative making process exists in theory but has no substantial reality. It merely provokes the emotions of the people and consumes their time.

(c) Poverty Alleviation Network and Others v President of the Republic of South Africa and Others

The facts of this case are similar to that of Matatiele case above so they will not be repeated. Among other issues, the applicants contended that the failure on the part of the National Assembly to receive oral submissions from interested parties constitutes non-compliance with the constitutional obligation and the National Assembly and the KwaZulu-Natal Legislature had failed to consider the representations made by the residents of Matatiele. The Court ruled that provincial legislatures have a leeway in determining how to facilitate public involvement and that the fact that the views of the public are not reflected in the final legislation does not mean that the public was not consulted.¹¹¹

Analysis of the Poverty Alleviation decision

The poverty alleviation case illustrates a position whereby the government lost the case in Matatiele 2 and simply went back to consult with the people as a procedural aspect. It is arguable that there was a pre-determined decision to relocate the people of Matatiele from KwaZulu Natal to Eastern Cape as their insistence to remain in the

Eastern Cape was simply ignored. The Court again did not consider what was stated in *Doctors for Life* that South Africa is found on an open and democratic society that is based on the will of the people.¹¹² Rather the Court reinforced the decision in *Merafong* and stated that Parliament has a duty to take into account the views of the people but it should not be swayed by them.¹¹³

The Court went on to say that the fact that legislation does not reflect the views of the public does not mean that it was never considered. In saying this, the Court created a conflict between the representative and participatory elements of the South African democracy rather than balancing the two. The idea of the people was never to fight with the legislature but to have their concerns taken into account in the legislative making process. The public can only know that their views were taken into account if laws and policies reflect their wishes or at least address some of them.¹¹⁴ The Court, however, reinforced the supremacy of the parliament and not of the Constitution which provides that South Africa is an open democracy based on the will of the people.

4. Conclusions

This paper sought to spell out that the participation of the public in the law-making process is a procedural process that is taken by the legislature and it does not produce any tangible results that people can celebrate. Whilst the Constitution has established a constitutional democracy where South Africa is said to be an open society based on the will of the people, the will of the people in the legislative making process does not prevail. The Constitutional Court of South Africa has reinforced the supremacy of the Parliament in the legislative making process and has not been bold enough to condemn some irresponsible actions of the legislature that falls short of what the Constitution requires in participatory democracy.

The observation is that it is the Constitutional Court that has betrayed the people by failing to insist that facilitating public participation is more than just hearing people's



views, rather the end result should be enacting laws that reflect the views of the people. The few legislative members of the parliament cannot purport to know more about what is best for the people they represent. It is best for them to develop a culture of putting the views first especially in matters that directly affect the people like the demarcation of boundaries for provinces.

5. Recommendations

We submit that whilst the court should respect the autonomy of Parliament, it should not shy away from intervening where the legislature, like in the cases of *Matatiele*, *Poverty* and *Moutse*, has failed to consider the wishes and demands of the Majority. The court should never condone it when legislation reflects nothing about the views of the people. The Court has the duty to go into details and enquire on the views of the public that were disregarded and be convinced that it was reasonable for the legislature to do so in an open and democratic society.



Mr Peter Skosana: Gauteng Provincial Legislature, Secretary

¹¹² *Doctors for Life* at 1445 H.

¹¹³ *Poverty* para 63.

¹¹⁴ The exception would of course be where the public views support a matter that is contrary to the Bill of Rights. For example, in *S v Makwanyane and Another* 1995 (3) SA 391 paras 87 – 89, the majority of the people sought the retention of death penalty as capital punishment. However, the court correctly identified the issues before it and said that the question before it was not what the majority of South Africans believed what the appropriate punishment for murder was but



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The Impact of Road-Shows in Soliciting Inputs from Clients who would Ordinarily have No Voice at all in the Policy-Making Process or on the Service they Receive

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Abstract

There are a number of legislative and policy documents which reflect government's commitment and mandate to people-centered development; these documents are intended to shape administrative processes so as to facilitate citizens' participation in public processes. This broader legislative environment ensures that all government entities have a responsibility to place the citizen next to the issue in all its programmes and interventions.

In order to supplement the client interaction provided by provincial offices, GEPF/GPAA has embarked on a programme of public participation in the form of road-shows in all nine provinces. The road-shows have thus far been able to reach 11,707 clients across seven provinces; this indicates the high penetration of the programme.

The Corporate Monitoring and Evaluation Unit (CM&E) was tasked with conducting an on-going evaluation of the effectiveness of these road-shows in meeting the needs of their clients. Results from the questionnaires indicate that the road-show was a successful and authentic public participation process in that it informed GEPF/GPAA management about clients' feelings and perceptions regarding the road-show process. Additionally, comments made by respondents indicate that GEPF/GPAA's clients greatly value the attempt made by the organization to bring service delivery to the people and as a result, feel valued and empowered.



Road-shows are a necessary mechanism to respond to the constitutional principle and value that requires the public service to inculcate public participation in policy development and providing services. As such, the road-show process provides a valuable case-study in terms of how best to structure public participation forums so as to empower citizens and bring services to the people.

Introduction And Literature Review

Introduction

The Government Employees Pension Fund (GEPF) is Africa's largest pension fund. The Fund has more than 1, 2 million active members, and more than 300 000 pensioners and beneficiaries, as well as assets that are worth more than R790 billion. Currently, the GEPF has more than 320 participating employers, including all National and Provincial Government Departments, as well as the South African National Defence Force (SANDF) and intelligence community.

In 2007, the Board of Trustees agreed to separate the Fund and its administrative arm in the belief that it would best serve the interests of its members. The mandate of the GPAA is to provide for the payment of pensions and other benefits to persons in the employment of Government, certain bodies and institutions and to the dependants or beneficiaries of such persons on behalf of the GEPF and the National Treasury. GEPF/GPAA's client-base is broad and spread throughout the country, including deep rural areas; the organization's provincial office footprint has increased from four to all nine Provinces since December 2008 in a bid to improve the employer interface and maximise member interaction.

In order to supplement the client interaction provided by provincial offices, GEPF/GPAA has embarked on a programme of public participation in the form of road-shows in all nine provinces; the purpose of the road-shows is to assist communities

to better understand Government Employees Pension Law (GEPL), the GEPL and its administration.

The Corporate Monitoring and Evaluation Unit (CM&E) was tasked with conducting an on-going evaluation of the effectiveness of these road-shows in meeting the needs of their clients. Road-shows are a necessary mechanism to respond to the constitutional principle and value that requires the public service to inculcate public participation in policy development and providing services. As such, the road-show process provides a valuable case-study in terms of how best to structure public participation forums so as to empower citizens and bring services to the people.

1.1. Literature review

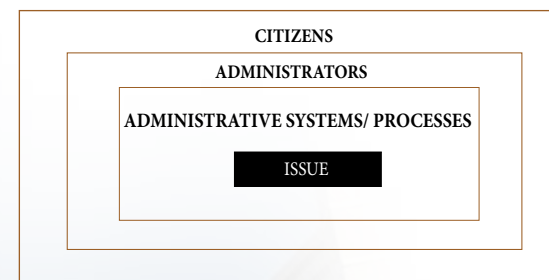
According to Rosenau, Government occurs when those with legally and formally derived authority and policing power execute and implement activities while Jun describes Governance as an attempt to share power in decision making, encourage citizen autonomy and independence, and provide a process for developing the common good through civic engagement. There have been repeated calls to public administration as a field to both fulfill its obligations in democracy and to pursue its self-interest by finding new ways to listen to the public's voice through stakeholder and individual citizen participation in governance; a key source of pressure has been a citizenry with diminished trust in government demanding more accountability from its public officials. There has also been a growing recognition on the part of administrators that decision making without public participation is ineffective. However, the appropriate role of the public in public administration has been an active and ongoing area of inquiry and experimentation.

A study conducted by King, Feltey and Susel indicates that effective, or authentic, public participation implies more than simply finding the right tools and techniques



for increasing public involvement in public decisions. Authentic public participation requires rethinking the underlying roles of, and relationships between, administrators and citizens. Public participation processes have four major components: (1) the issue or situation; (2) the administrative structures, systems, and processes within which participation takes place; (3) the administrators; and, (4) the citizens. Participation efforts are currently framed such that these components are arrayed around the issue. The citizen is placed at the greatest distance from the issue, the administrative structures and processes are the closest, and the administrator is the agent between the structures and citizens, as depicted in Figure 1) below.

Figure 1) Context of Conventional Participation

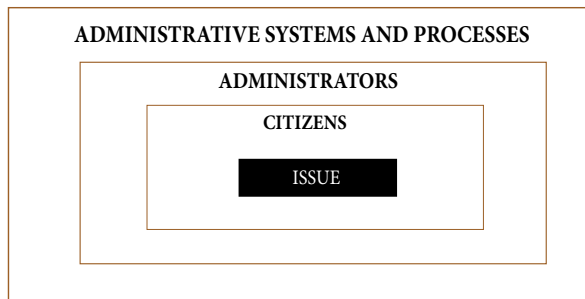


In the context of conventional participation, the administrator controls the ability of the citizen to influence the situation or the process. The administrative structures and processes are the politically and socially constructed frameworks within which the administrator must operate. These frameworks give the administrator the authority to formulate decisions only after the issue has been defined. Thus, the administrator has no real power to redefine the issue or to alter administrative processes to allow for greater citizen involvement.

Addressing the limitations of current participatory efforts requires that public

administrators become “interpretive mediators.” Authentic participation requires that administrators focus on both process and outcome. In this context, participation is an integral part of administration, rather than an add-on to existing practices. Authentic participation means that the public is part of the deliberation process from issue framing to decision making. The context of authentic participation is very different from the context of conventional participation. Authentic participation places the citizen next to the issue and the administrative structures and processes furthest away. However, the administrator is still the bridge between the two, as depicted in Figure 2).

Figure 2) Context of Authentic Participation



King, Feltey and Susel identified three categories of barriers to authentic participation; these include 1) the nature of life in contemporary society (factors such as transportation, time constraints, family structure, economic disadvantages etc), 2) administrative processes and 3) current practices and techniques (techniques used in participatory processes, e.g. the structure of public hearings). Category 1) barriers can prevent citizens from reaching public participation forums; category 2) and 3) barriers dilute citizen's ability to have an impact on their situations. Although those structuring public participation processes do not have control over category 1) barriers, administrative processes and participation techniques can reduce the impact of this category of



barriers. It is thus the responsibility of public servants to empower citizens so they can be involved in authentic public participation processes from issue framing to decision making; this means designing participation processes which are inclusive and accessible to all citizens in the targeted population, and ensuring citizens' participation has a visible impact on their lives.

2. LEGISLATIVE BACKGROUND

There are a number of legislative and policy documents which reflect government's commitment and mandate to people-centered development; these documents are intended to shape administrative processes so as to facilitate citizens' participation in public processes and as such, prevent the formation of category 2) barriers. The foundation of these is the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)¹ which provides a democratic and accountable government for local communities and encourages the involvement of communities and community organizations in the matters of local government.

This tenet is expanded upon in the Draft National Policy Framework for Public Participation of the DPLG (2005)¹ which provides the background to the policy on Public Participation in Government in South Africa and defines public participation as ***“an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making. It is further defined as a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives.”***

Local government is the channel for service delivery at a community level and is tasked with developing a culture of municipal governance that complements formal representative government with a system of participatory governance as outlined in

the Municipal Systems Act (Act 32 of 2000) (LGMSA)¹. As such, municipalities must encourage and create conditions for the local community to participate in the affairs of the municipality.

The Government Pensions Administration Agency (GPAA) is itself a public entity and as such, operates within the confines of the broader public service legislation and policies. GPAA adheres to government's over-arching strategic service delivery goals which include the Batho Pele Principles²; which include consultation; service standards; access; courtesy; Information; openness and transparency; redress and value for money. This broader legislative environment, as well as the organizational context, ensures that GPAA is orientated towards authentic public participation, and as such, has a responsibility to place the citizen next to the issue in all its programmes and interventions.

3. Public Participation: Road-Shows.

3.1. The Road-Show Process

Public participation can take many forms and includes public hearings, submissions, representations and road-shows; for GEPP/GPAA's purposes, road-shows were selected as the most suitable mechanism for bringing service delivery to the people. The GEPP/GPAA road-show programme is an authentic reciprocal participatory programme through which GEPP/GPAA clients provide feedback on policy delivery in a typical bottom-up approach, engaging the political and administrative leadership directly. GEPP/GPAA has been involved in road-shows in various provinces with a view to interacting with clients on issues affecting their pensions. The CM&E Unit was tasked with conducting an on-going evaluation of the effectiveness of these road-shows in meeting the needs of their clients.



The first road-show was held in the Gauteng Province in Soshanguve at the Falala Hall on, 7 March 2009, with senior GEPP/GPAA managers and other representatives participating in the event. Judging by the turn-out, the Soshanguve road-show generated lots of interest amongst GEPP/GPAA clients. Those who attended the event spent a fruitful day interacting and exchanging ideas with GEPP/GPAA representatives; they also had the opportunity to update their personal details and to complete beneficiary nomination forms – all critical steps in the pension process. This one-stop service was provided by the GPAA's Client Liaison Officers (CLOs), who were on site all day with their laptops and were able to resolve most queries on the spot. Inputs from road-shows shape the GEPP/GPAA pension administration processes and policies as well as the services rendered.

3.2. Roles of GPAA organizational units

GPAA's main function is to administer the employee benefits of government employees; Client Relationship Management (CRM) facilitates all activities relating to clients and client satisfaction. As a result, CRM facilitates and presents the road-show programme. The programme is supported by various GPAA business units which play a specific role to ensure the success of the project; for example, the CM&E Unit is tasked with conducting an evaluation of the road-show through surveys and providing a road-show feedback evaluation report to GEPP/GPAA management. Teamwork and unified processes are critical components for successful public participation processes.

3.3. The Road-Show Planning Phase

The planning phase includes establishing procedures as well as logistical and primary research work in preparation for the actual road-show. This phase includes various processes such as establishing a road-show committee within GEPP/GPAA which is responsible for defining the roles and responsibilities of the different units during the

road-show as well as providing guidance to the various units regarding the road-show process and procedures. This committee provides a central point for information on the process and carries the responsibility for the outcome of the road-show.

3.4. Road-show activities

All road-shows have to follow a pre-determined set of activities so as to maintain consistency in all provinces. A record of activities is maintained to ensure such consistency. This record covers marketing (e.g. flyers, billboards and posters); venue selection and booking; the registration process; the road-show programme; information materials; media (radio stations and newspapers play a critical role in informing communities about upcoming road-shows as well as reporting on the road-shows themselves); recording the proceedings and the organization of the road-shows. Because the majority of the GEPP/GPAA road-show attendees are elderly, organizational aspects such as the provision of emergency services and the management of service stations so that that clients do not wait long in queues are fundamental in ensuring that all attendees are given an opportunity to safely participate in the process.

The road-show is an all day event and often has a festive atmosphere; the day begins with a registration process which gives GEPP/GPAA the opportunity to record the number of active members, pensioners, orphans, beneficiaries and others attending the event; on average, 40% of attendees are active members while 60% are pensioners. This means that the majority of the attendees have been through the pension exit process, but are still unsure as to the benefits they are entitled to, potential beneficiaries etc. Next is the welcome speech (often given by a Fund board member) and a presentation on the pension exit process. The event comes to an end with a question and answer session which gives the attendees an opportunity to seek



clarification on issues affecting them; this part of the programme usually lasts for about two hours. Finally, attendees are provided an opportunity to interact with the CRM team (who are equipped with laptops) on various queries.

3.5. Attendance figures for the road-shows

Table 1) is the number of attendees recorded at each road-show venue across the country; the Eastern Cape was the most well attended road-show with 2,155 active members, pensioners, orphans, beneficiaries and others.

Table 1) Provinces, areas and attendance

Province	Area	Attendance	Total
Eastern Cape	Port Elizabeth	425	2 155
	East London	950	
	Umtata	780	
Gauteng	Diepkloof	320	1 230
	Dobsonville	370	
	Meadowlands	540	
Free State	Sasolburg	287	1 513
	Welkom	639	
	Qwaqwa	587	
Kwa-Zulu Natal	Maritzburg	720	2073
	Umlazi	886	
	Ulundi	467	
Limpopo (still to be conducted)	Tzaneen		
	Pietersburg		
	Thohoyandao		
Mpumalanga	Kwamhlanga	542	1 956
	Kanyamazane	628	
	Ermelo	786	

Province	Area	Attendance	Total
Northern Cape (still to be conducted)	Kimberly		
	Upington		
	Kuruman		
North west	Rustenburg	523	1 800
	Potchefstroom	513	
	Vryburg	764	
Western Cape	Cape Town	434	980
	Worcester	288	
	George	258	
TOTAL	All areas	11 707	11 707

As illustrated by the figures in table 1), the GEPP/GPAA road-show programme has thus far been able to reach 11,707 clients across seven provinces; this indicates the high penetration of the GPAA road-show programme. The Northern Cape and Limpopo road-shows are still to be finalized before the end of the 2011/2012 financial year.

4. Evaluation Of Road-Shows

4.1. Evaluation methodology

Kusek and Rist state that process evaluation is an evaluation of the internal dynamics of implementing organizations, their policy instruments, their service delivery mechanisms, their management practices and linkages among these; it measures what is done by the programme, ideally, process evaluations assist in the identification of active ingredients of treatment, and assess whether a programme is meeting accepted standards of care. The purpose of the evaluation exercise is to inform GEPP/GPAA management about clients' perceptions of the road-show public participation process.

The evaluation question that needs to be answered is:

- To what extent do the road-shows contribute toward the better understanding of GEPP/GPAA by clients?



Clients who attended the road-shows were targeted to share their views and perceptions about the road-show public participation process. This process evaluation utilized convenience sampling (sometimes known as grab or opportunity sampling) which involves the sample being drawn from that part of the population which is close at hand. That is, a sample population selected because it is readily available and convenient. CM&E officials randomly distributed the questionnaires to clients who attended the road-show in all venues. The questionnaire contained a mixture of open-ended and closed questions relating to different aspects of the road-show. The questionnaires contained 10 closed questions. Respondents were expected to circle one response from the four possible answers provided for each question ((1) strongly agree, (2) agree, (3) disagree, and (4) strongly agree).

4.2. Results of closed questions

Table 2) reflects the four-point Likert scale responses with regard to 'the presenter informed me about the road-show objectives'; 'the content of the presentation was relevant'; 'the presentation was clear and understandable'; 'the presentation was just the right length'; 'the road-show venue was easily accessible'; 'the road-show venue was well organized'; 'the presenter was well prepared'; 'the presentation was useful'; 'the road-show benefited my level of understanding' and 'the road-show helped clarify the problems'.



Participants at the Gauteng Provincial Legislature – Children's Parliament

**Table 2) Questionnaire responses**

Evaluation questionnaire	Strongly Agree	Agree	Strongly Disagree	Disagree
The presenter informed me about the road-show objectives	60.2%	31.0%	5.2%	3.4%
The content of the presentation was relevant	61.8%	30.6%	4.5%	3.0%
The presentation was clear and understandable	61.4%	32.5%	2.8%	3.1%
The presentation was just the right length	57.4%	36.0%	3.7%	2.7%
The road-show venue was easily accessible	62.2%	30.8%	3.4%	3.4%
The road-show venue was well organized	66.1%	28.5%	3.3%	2.0%
The presenter was well prepared	63.9%	30.7%	4.1%	1.0%
The presentation was useful	64.0%	31.2%	2.5%	2.2%
The road-show benefited my level of understanding	59.7%	33.2%	2.7%	4.3%
The road-show helped clarify the problems	60.0%	32.1%	3.7%	3.9%

From the above table it can be concluded that the road-show was a successful and authentic public participation process in that it informed GEPF/GPAA management about clients' feelings and perceptions regarding the road-show process. This is evident in the total frequency of responses to the questions whereby strongly agree is 61.7%, agree 31.7%, strongly disagree is 3, 5% and strongly disagree 2, 9%. Thus 93.4% of respondents are satisfied with the road-show process. Clients have commented to GEPF/GPAA officials that they value the opportunity to provide their opinions and become actual participants in the process. It is also interesting to note that the feedback received from the participants has provided invaluable information and led to either policy change or review.

4.3. Open questions utilized in the process evaluation questionnaire

The following open-ended questions were utilized:

- Were there any aspects you were interested in, that were not covered in today's road-show?
- *How could the road-show have been better or more helpful?*
- *How often do you think this road-show should be held?*
- *Any other comments?*

These open-ended questions provide GEPF/GPAA clients with the opportunity to be heard on whether the road-show process met their expectations. As a result of these questions, members were able to voice their grievances about the monthly pension payout schedule. In the past if the month end falls either on a Saturday or a Sunday, pensioners were to receive their money the following working day. Things have now changed. Pensioners are now receiving their money on a Friday if the month end falls on either Saturday or Sunday. This change has been well received by the pensioners and is evidence that their suggestions are taken seriously during the road-show public participation process.

Comments from respondents regarding the road-show process

Comments made by clients during the road-show process include the following:

- *'It is very helpful for us to understand the GEPF'*
- *'We thank the GEPF for coming to solve our problems from government pensions'*
- *'It was a good and helpful road-show and all questions were answered'*
- *'Everything was presented very well and also their explanations'*
- *'Am now empowered by the information from the GEPF'*
- *'Word of thanks to the GEPF for opening our eyes and empowering us with the knowledge'*

These comments indicate that GEPF/GPAA's clients greatly value the attempt made by the organization to bring service delivery to the people and as a result, feel valued and empowered; this is an important outcome as a number of these citizens have served government for a large portion of their lives.

The results of both the open-ended and closed questions from all the provinces will form the basis of a comprehensive road-show public participation report which will be given to the Fund, GEPF/GPAA management and stakeholders. It is envisaged that this report will assist in improving future public participation processes and contribute to policies aimed serving the clients.

5. Lessons Learnt And Conclusion

5.1. Lessons learnt

The following were some of the lessons learnt during the GEPP/GPAA road-show public participation process:

- Road-shows are a very effective strategy to solicit feedback and inputs from clients and stakeholders;
- Teamwork and good humor, as well as unified processes, are key for successful public participation processes;
- It is important to be clear about the rationale behind various decisions and the articulation of these decisions to people affected by those decisions. It is also necessary to make time to do this during the road-show programme;
- It is impossible to satisfy everyone in terms of the language in which the presentation is given and the material is produced;
- The use of community media, such as local radio stations, is particularly successful in marketing the road-show;
- The presenter is one of the key determinants of a successful presentation;
- There is a strong desire by both current government employees and pensioners to gain as much information as possible about their pensions;
- The 'question and answer' session is a much valued part of the road-show;
- The GEPP/GPAA management and personnel displayed passion and dedication to their work. This involves various organizational units who fruitfully participated in the road show process with each unit accomplishing its function successfully.

Conclusion

Literature states that 'authentic participation' places the citizen next to the issue and the administrative structures and processes furthest away with the administrator being the bridge between the two; however, obstacles to this type of participation include ubiquitous factors such as transportation, time constraints, family structure,



economic disadvantages as well as administrative processes. As public servants, we have the responsibility to empower citizens so they can be involved in authentic public participation processes from issue framing to decision making; this means designing participation processes which are inclusive and accessible to all citizens in the targeted population, and ensuring citizens' participation has a visible impact on their lives.

GEPP/GPAA road-show programme is an authentic reciprocal participatory programme through which GEPP/GPAA clients provide feedback on policy delivery in a typical bottom-up approach, engaging the political and administrative leadership directly. GEPP/GPAA has been involved in road-shows in various provinces with a view to interacting with clients on issues affecting their pensions. The CM&E Unit was tasked with conducting an on-going evaluation of the effectiveness of these road-shows in meeting the needs of their clients. Clients who attended the road-shows were targeted to share their views and perceptions about the road-show public participation process. This evaluation provides a valuable feed-back loop which feeds information back into the public participation process and allows for the ongoing improvement of GEPP/GPAA's road-show programme.



Participants at the Gauteng Provincial Legislature – Senior Citizen's Parliament



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Democracy as development: contextualising public participation in South Africa

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KEY WORDS:

public participation, South Africa, civil society, decentralisation, democratisation, colonialism, education, poverty, popular initiatives.

Democracy as development: contextualising public participation in South Africa

... For us in the post-colonial world, these are troubled and distressing times. We have seen the demise of the nationalist project, the degeneration of the post-independence state, the loss of hope in the model of the nation state, the collapse of the developmentalist enterprise, the steady and insistent erosion of civil and political rights, the failure of those who had come to power on a rising tide of expectations to deliver even the most basic of human amenities, and the destruction of the dignity of the individual and the collectivity. We have seen the wounds inflicted on our societies by brutal states and even more brutal social practices, and with anguish we are encountering the most tragic of occurrences – famines, starvation, poverty, civil war, religious fundamentalism ... (Chandhoke 1993:2136).

Introduction

This paper focuses on three aspects. The first is how, theoretically, we understand public participation. The argument is that participation is contextual. It cannot be understood outside one's experiences as a social being. Secondly, the paper provides



an analysis of literature on the practice of public participation. It focuses, purposefully, on the post-colonial literature in the developing world and Africa in particular. Post-colonialism represents that thinking which tries to provide an understanding of Africa's contribution to today's problems of development in the presence of colonial institutions after decolonisation (Blake 2009: 62 and 64). In this section, the paper shows the extent to which public participation has evolved and what still needs to happen. The paper argues that even civil involvement is shaped by the ideology of the State which is the vanguard in the development of processes. In practice, it is not the civil society that shapes State mentality. This section therefore provides practical examples of how public participation has been practised. The third part of this paper becomes specific to South Africa. It first outlines the conceptualisation of public participation and the manner it is practiced, and then it provides an analysis of successes and shortcomings in the practice of public participation. The final part discusses possible options that are open to South Africa.

Understanding Public Participation And Civil Society

How do we differentiate between participation and involvement? How do we define participation? How should civil society participate in public discourses? It is my considered view that it serves little purpose if individuals and groups get involved in the public sphere as invitees. Public participation should be seen and approached as a political space that individuals and groups should seize with the intentions to promote democracy, accountability and good governance. To this end, civil society as a collection of individuals and an array of interest groups that enter the public discourse as the guarantors of democratic processes, positively influence policy decisions, and guard against systematic violations of the constitutional rights of individuals (Aidoo 1993:708).

Public participation and civil society can also be seen in what Habermas (2011:52), in his discourse of the public sphere, refers to as "a network for communicating information



and points of view to form public opinions in an open permeable and shifting horizons". Habermas continues to say that such organisations serve to influence decision-making, facilitate in problem-solving, and they are not to gain political power per se. It is largely under these conditions that we can say the people govern – when they point out causes and possible solutions to issues of wealth possession, inequality, poverty, and unemployment and other issues that affect them at all levels of their lives.

One could be excused for thinking that public participation and civil society were synonymous. On the surface of issues, participating in the public affairs of one's country tends to be viewed as belonging to some organisation that largely has a political agenda. In other words, civil society tends to be construed in organised forms. On the contrary, public participation cannot be limited to those organisations. Public participation appears both in the forms of individuals taking part in the voting of political leadership as well as in taking part in activities that are organised by some organisation either as members of that organisation or as individuals who are sympathetic to that cause. In Habermas' (2011) terms, this will be the public sphere as it expresses itself in many forms – in saloons, tearooms, and shebeens for example. When people start talking about governance issues at whatever level, issues that touch on political considerations wherever they are, they are actually taking part in public discourses. Civil society on the other hand appears largely in the form of organisations which come in different sizes, shapes and interests. To the extent that civil society is interest-based, public participation is also dependent on the issues at stake. In fact, ad hoc organisations get formed to address specific issues at particular times and disappear soon after the issues are resolved.

A democracy therefore allows people to participate in the affairs of the State either as individuals or groups, for as long as they do not break the law. In cases where the State directly calls for civil society participation, it can be for any reason – either for co-



optation, legitimating, representation or transformation. When for example the State (or ruling party for that matter) assists in forming civil society organisations, the motives need to be suspect. In essence, civil society organisations need to be autonomous and independent from the State; otherwise they will not be able to fulfil their roles. They need to be representative, and transformative. Civil society movements have to be born outside of the State machinery and they cannot be in alliance with the State, otherwise they become a mere extension of State control mechanism. It is only when they have these characteristics that they can genuinely be able to perform their duties.

This point equally applies to individuals appointed by the State. Such individuals cannot act contrary to State interests. Civil society organisations therefore express themselves in the forms of independent labour organisations, student organisations, community-based organisations, business organisations, the media and many other interest parties whose actions are directed against or towards the State with the intentions to promote accountability, democracy and good governance (Camay & Gordon 2002:2-3; Bifarello 2001:2; Beckman 1989:93).

Above all, what shapes the civil society movements and the manner in which individuals take part in State affairs is determined by the ideology of the State itself. How everyone behaves is prescribed in the country's Constitution. The best way to understand a State's ideology is to read a country's constitution. On behalf of the State and contrary to Ayang' Nyongo (1992:102), ruling parties' actually direct people how to live their lives. The practise of democracy is therefore a pre-determined exercise. The question that arises is: if public participation and the conduct of everyone is governed by legislation, then why do we need the civil society movement? If the State prescribes on a ballot paper the political organisations people should for example vote for, can we really say that was a people's choice? Does this exercise not amount to choices having been made for the people? These are the dilemmas of our democratic developmental project.



Public participation happens in many forms besides voting and group interest advocacies. In our time, the media and the social media in particular have come to present individuals with opportunities to make themselves heard. In this regard, reasonable levels of literacy and access to technology have a great value for the practice of democracy. I should hasten to point out that low levels of education encourage populism. Political leadership exploit this factor to their advantage for gaining power. Low levels of literacy mean that for example those voters may not understand the economic policies of the parties they vote for; they may not understand where governments get money to do the things they (government) promise to do. These are some of the critical issues that have tended to lead to political protests in many post-colonial states, especially in Africa, as governments fail to deliver even the basic of amenities they promise during election times. This point brings us closer to the investigation of the manner in which public participation happens.

The Practice Of Public Participation: A Literature Review

Zelega (1997:12) and Eyoh (1998:282) contend that in Africa democracy tends to be used for the sake of convenience instead of empowering individuals and the collective. When the political leadership calls for periodic elections for example, they tend to do so only to access foreign funding and not because they genuinely wish to improve the political, economic, cultural and moral conditions of the citizens. Under these conditions, public participation becomes lip-service to democracy and development and the state is turned into an instrument of self-aggrandisement for the ruling elite. According to Robinson (1994:42) it is these conditions that account for political decay in Africa where the State employs colonial tactics of rhetoric, economic exploitation and political suppression.

There are also many instances of civil society that is receiving foreign funding. To what extent do these funds work in the interest of local people? Moyo (2009:45)



provides us with a food-for-thought situation of the United States providing food to poor countries instead of giving them money. The argument here is that American subsidised food in developing countries largely serves to expand American markets and push unsubsidised local farmers out of business. But how many civil society organisations do we see advocating that our governments accept the food aid? Could it be an oversight of understanding how in the first place we were underdeveloped by the rich world? The participation of the civil society in public matters is therefore not always motivated by local conditions but rather serving other interests. Abbey (1997) points out that foreign donors tend to limit their involvement in those areas where their interests lie. To that extent, a post-colonial state has to be a vigilant one under such circumstances if it is to serve the interests of its citizens.

In many instances, the state officials rely on comradeship, corruption, uninformed voters and patronage to remain in power while brutally assaulting those that raise dissenting voices. Kaunda (1995:306) refers to conditions in Malawi where at some stage the state ruled through empty promises of social and economic development and fear while it tamed the labour movement and politically subordinated the rural populace. Under such conditions, there can be no talk of a civil society movement as individuals and groups fear engaging in political activity.

As states fail to honour and deliver on their promises, new forms of inequality emerge. In particular it is the vulnerable groups such as the youth that carry the burden of exclusion from power, work, education and leisure, forcing them to find expression in delinquent conduct and "born again" Christian movements, and they stop attending even local council meetings which they see as waste of time because participation has been only to serve the interests of the local elite while service delivery suffers (Diouf 2003:5; Muhumuza 2008:66).



While these organisations attract the youth, they divert their attention from demanding accountability and good governance as they prey on unsuspecting people by their own promises of a better after world life. At worst the marginalised youth turn to violent methods and further contribute to eroding the morality of the civil society. South Africa is no exception to these conditions. Increasingly young people turn to the charismatic churches for salvation and violent acts that lead to massive destruction of public and private properties belonging to those perceived as aligned with the state. These acts, in a post-colonial State, are glaring signs that people have difficulty reaching out to the State as the custodian of their interests.

South Africa

South Africa has what can be termed a relatively vibrant civil society movement. The post-democratic government has committed itself to upholding the principles of freedoms of speech, press and to form and join organisations of choice by individuals. Government itself has shown this commitment by, among other ways, establishing forums such as izimbizo in an attempt to ensure the population is aware and contributes to democratic governance. The present state president is also in the habit of inviting participation through the social media which allows individuals “direct” access to the “top guy”. In short, the present South Africa shows a strong desire to deviate from what Abubakar (1991:25-27) calls a South Africa founded on injustice and oppression, beginning in 1652.

Having said this, it is important to point out certain tendencies within government circles to undermine participation from certain sectors of society. In particular, the present ANC government has not been very receptive to criticism from those it views as its opponents. Gumede (2009:12-26) and Ramphela (2008: 53-54), for instance, point out numerous acts of being undemocratic. These acts include constant labelling of others as being not loyal to the new democracy when they raise concerns, silencing



of certain historic leaders, thus robbing young people of important lessons, exclusion of certain commentators from the SABC and the political culture that is common within liberation movements of wishing to expropriate all credit for liberation for themselves. In a democracy, such excluding tendencies have the potential to alienate people who otherwise could make significant contributions to a country's development.

Does the South African political leadership learn? It is hard to answer this question. However, one can with circumspection point out that the present state president has become the first ANC leader to acknowledge a man like Robert Sobukwe in public in his State of the Nation Address on 9 February 2012 when he said: *We also recognise other components of the liberation movement – the Black Consciousness Movement which was led by Mr Steve Biko, whose son Samora is also our special guest, and the Pan-Africanist Congress which was led by Mr Robert Sobukwe* (Zuma 2012).

We cannot hasten to say that we are witnessing a kind of “reconciliation” by decades-long liberation competitors. But we can, with certainty, say that the ANC has been very willing to reconcile with former enemies, more so than forming alliances with other former liberation fighters. This has robbed the country as Ramphela says, of many significant contributions from that section of the population.

South Africa is faced with another form of civil society that expresses itself in the form of racial representation when the country struggles to find its way to democratic development. To what extent can we say this section of the population also constitutes civil society participation? Camay and Gordon (2002:3) argue that civil society does not always work to promote public good. Civil society sometimes acts in a manner that undermines the core values of democracy. In South Africa there exists a section of the civil society that is concerned with racial interests in spite of the country being non-racial and struggling to free itself from the chains of the past. Such organisations exist

because the constitution allows for freedom to form and join organisations of choice. In other words, the very constitution that civil society should strive to protect is also in danger from those who are required to protect it. Here then lies the dilemma of the concept of civil society and the practice of democracy in South Africa.

Public participation and civil society are very similar to what is obtained in the rest of the continent in particular and the world generally. This finding is relevant in as far as urban spaces are concerned. However, South Africa has a very large rural population that is not visible within the civil society movement. As individuals, those who live in rural areas largely express themselves through the periodic elections. Rural inhabitants in South Africa represent a “depoliticised” section of the population. They are amenable to manipulation and co-optation largely as results of low levels of literacy and relations of clientelism, patronage and despotic governance through undemocratic structures in the form of chieftaincies. Rural South Africa therefore represents what may be called neo-feudalism (Mazibuko 2008:159). Muhumuza (2008:65-66) posits that in such spaces, “local notables who have the education, financial resources and influence to contest power” ensure that the status quo stays.

Options for South Africa

I have indicated that South Africa has a relatively lively civil society and unrestricted public participation as prescribed by the constitution. Notwithstanding this, the country requires to broaden and strengthen civil society participation. There are few ways of doing these. Broadening civil society public participation means that attempts are required to bring into the political arena grass root organisations such as stokvels – burial societies and rotating savings clubs. Stokvels have had tremendous impact in sustaining people’s economic and social capitals in South Africa. However, these have not participated in political activities, and they therefore represent one arena that can be turned into a public sphere of significance. This is illustrated by Habermas



(2011:62) that the public sphere is found in taverns, streets, coffee houses, theatre performances, rock concerts, abstract public sphere – viewers and listeners of the mass media.

Without undermining the fact that people also have spiritual needs, there exists a great need to educate ordinary people against some of the practices of the church “movement”. A democratic South Africa cannot mean an arena where ignorance is promoted through the church. One cannot be blind to historic confrontations between the state and the church even in European medieval times. However, a post-colonial state has the duty, in my view, to protect its citizens against religious predators who protect their self-interests by depoliticising the minds of the ordinary people. The fact is that civil society and public participation are political spheres, and as such their existence is threatened by the kind of churches that mushroom everywhere every day.

To strengthen public participation and the civil society, state politics need to be more inclusive even of those the ruling party deems to be holding different political ideologies. If South Africa can afford a mixed economic system, it should not be difficult to also employ inclusive politics as its strategy to strengthen democracy and create better conditions for development.

Education – formal and non-formal – from primary schools to universities and from villages to urban centres presents a formidable avenue to build a strong and progressive civil society and public participation for a better tomorrow. It is mainly through education that we can breed an informed, responsible and accountable citizenry, for we cannot have democratic and accountable public institutions when the citizenry has no such values. From ancient times, education has always been the only tool used to foster public values.

Public leaders have always been a product of education that instils specific desirable

values where leaders are taught to treat all with justice and respect public interests. It is under such conditions that we can also root out corruption that characterises so much of our public life. It is corruption that eats into our moral fibre as a society. But again, it is that society that requires education so it can stand up against vicissitudes of public rot, for the corrupt element is no less than the product of its own society. I contend that it is the primary responsibility of the post-colonial state to effectively transform the education system from what Schudson (2011:283) calls a colonial education aimed at instilling religious virtues, uninformed voters and not to encourage competent citizenship. Indeed, if we can teach and make our youngsters understand complex theories of physics and economics, why can't we teach and make them understand the virtues of public accountability?

Furthermore, there is a need to alter property relations particularly in our rural areas. There is no democratic and economic justification to deny the rural populace access to owning private property. Ownership of property holds the key to activating people to take part in public discourses because they then have a stake in their economy rather than being a passive and depoliticised section of the population. When they own property and pay taxes, they will wish to make themselves heard in the corridors of power. De Soto argues that ownership of private property is one of the means to free people from economic hardships which are a major characteristic of the South African "landscape". Banerjee and Duflo (2008:152) also argue in favour of altered property relations, pointing out that the extremely poor own little – they have no titles to their land, land belongs to village or lineages. These conditions mean that the rural poor in particular have no reason to take part in civil society movements because they have so little to defend.

Above all, Robinson (1994:44) warns that it is important that we have a financially independent civil society movement that does not rely on state or foreign funding for its existence. For if the civil society movement were dependent on the state's financial



resources, it would not be able to challenge that state hegemony. Similarly, foreign funding is conditional and political. Funds can only be used for the activities approved by the funders. It is to a great extent the reason why many civil society movements cannot stand up against the structural adjustment programmes (SAPs) that have caused so much suffering in Africa.

Conclusion

There is no argument that public participation and civil society are contested terrains. We are also not aware of any society that has mastered the concept of democracy which is very ideologically loaded. South Africa stands on the threshold of what we may at least refer to as a matured democracy in spite of the frequent references to it as being a young democracy. Despite issues of crime, poverty and inequality, South Africa has outstripped many post-colonial states in the arenas of human rights and economic development which tend to be the focus of contestation with the civil society. Until yesterday, we have seen a kind of willingness to collaborate with the civil society on many issues of national importance. The government has been willing to delay important decisions because of the voices out there and at the same time; it has been seen soliciting views from the broader society and being receptive to criticism from various angles.



Women's Parliament



On the other hand, civil society in South Africa has been largely reactive to what the state does. We have seen very little of instances where civil society has initiated issues for government to consider. This is a major weakness of our civil society. It shows that the people are indeed still to govern.

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Chapter Three



Chapter Three

Public Participation At Local Government Level



Hon. Hope Papo: Chairperson: Finance Portfolio Committee Gauteng Provincial Legislature

Input on Public Participation in Budget Processes

A Case for Meaningful Public Involvement – South African Experiences

Salutations

*Honourable Speaker and other GPL office bearers present,
International guests from our continent and other parts of the world,
Office bearers and representatives of other provincial legislatures and municipalities,
Representatives of various spheres of government,
Representatives of various organisations present,
Officials of the Gauteng Provincial Legislature,
Ladies and gentlemen.*



Introduction

Good and effective public participation practices can help governments to be more accountable and responsive. It can also improve the perception of the public about the overall performance of government. Traditionally, public participation was understood to mean things like voting, running for public office, involvement in campaigns, attending public hearings, and keeping yourself informed on important issues of the day by reading government reports or the local print media. At an increased level of involvement, the public, acting as individuals and as groups, advocated specific policies by attending or sponsoring public meetings, lobbying government officials, or bringing media attention to policy issues. More recently, governments, in developed countries, have used new forms of public involvement – surveys, focus groups, neighbourhood councils, and Citizen Relationship Management systems, among others – as inputs to decisions about service levels and preferences, community priorities, and organizational performance.

While public participation efforts can be extremely valuable, superficial or poorly designed efforts waste valuable time of everyone involved and financial resources. Worst it can increase public cynicism if there is a perception that its input has not been taken seriously. Having said that, it should be recognised that 'the public or community' is not homogenous. It is made up of classes and strata with various interests.

South African perspective

Effective and quality public participation is a cornerstone and lifeblood of any democratic state. It should be understood within a governance model a country chooses. But governance for the sake of it has no meaning. The form of governance is important and South Africa chose a democratic governance system. There is a huge body of knowledge on the concept of democratic governance:



Firstly, the United Nations Development Programme defines democratic governance as follows: “As the capacity of a society to define and establish policies and resolve their conflicts peacefully within the existing legal order. This is a necessary condition for the rule of law along with the separation of powers and a legal system that ensures the enjoyment of individual freedoms and rights -civil, social, political and cultural. This requires institutions based on the principles of equity, freedom, participation in decision making, accountability, and promoting the inclusion of the most vulnerable sectors of society”.

Mel Gill, President of Synergy Associates elaborates on the following seven pillars of democratic governance:

1. ***Legitimacy***
2. ***Participation (or engagement)***
3. ***Responsible stewardship.***
4. ***Ethical conduct.***
5. ***Transparency.***
6. ***Predictability.***
7. ***Accountability.***

The importance of democratic governance is further emphasised by the United Nations Development Programme (UNDP) South Africa Office, when it states generally and specifically that “more countries than ever before are working to build democratic governance. Their challenge is to develop institutions and processes that are more responsive to the needs of ordinary citizens, including the poor. UNDP brings people together within nations and around the world, building partnerships and sharing ways to promote participation, accountability and effectiveness at all levels”.

The UNDP South Africa Office further states that: “Democratic governance is central to the achievement of the MDGs, as it provides the ‘enabling environment’ for the



realization of the MDGs and, in particular, the elimination of poverty. The critical importance of democratic governance in the developing world was highlighted at the Millennium Summit of 2000, where the world’s leaders resolved to “spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development.” A consensus was reached which recognized that improving the quality of democratic institutions and processes, and managing the changing roles of the state and civil society in an increasingly globalised world must underpin national efforts to reduce poverty, sustain the environment, and promote human development.

Coming from a cruel history of oppression and suppression, public participation (although unofficial) in South Africa can be traced to the struggle for freedom and democracy and the people’s power movement. That is why during the advent of the democratically elected government of the Republic of South Africa (RSA), public participation was put at a centre stage. This was done in full recognition of the powers and the rights of the electorate and the people of South Africa in general. Section 118 of the Constitution of the RSA clearly articulates the importance of public participation from the legislature perspective. RSA has numerous policies and laws that promote public involvement and the right to access information from all three pillars of the state i.e. Executive; Judiciary and the Legislature. Whether this right is adequately exercised by citizens, is a matter of assessment.

Any aspirant democratic state cannot afford to govern and advance the cause of its citizenry to their exclusion. Recent developments in some parts of the world like North Africa and the Middle East have shown that disregard of the views of citizens in governance matters may prove to be detrimental. The political, social and economic issues should involve the people.



South African Government (herein referred to as government), in an effort to accelerate service delivery, conducts various studies to identify priority areas and commits itself to ensure that set objectives and targets are attained. This process allows the government to set the policy direction designed to contribute to its set outputs and outcomes. Government derives its policies and plans mainly from the political party which get the majority of votes in the national & provincial and local government elections. These policies and plans are presented to the people through various party elections manifestos during the election campaign. Various stakeholders are also consulted in the process of policy formulation.

Historically, there was no legislative mechanism that provides for the amendments to Money Bills (budgets). The introduction and promulgation of the Money Bills Amendment Procedures and Related Matters Act, among others, provides for the amendment to money bills through informed public views. This is seen as a way of enhancing public participation.

The Budget, as an expression of government policies, is a mechanism to ensure the realisation of set outputs and outcomes. Without proper planning and budgeting, implementation and evaluation, government's policies will not materialise.

Public participation in the budget process

Government uses a multi-year budget system that is based on a medium to long term framework. This system greatly enhances predictability in allocations and has a positive impact on planning and execution within government. The tabling of the Division of Revenue Bill (national budget) provides a platform to the citizenry through their respective Provincial Legislatures and Municipalities, to input on the national budget. The Division of Revenue Bill is classified in the Constitution as a Section 76



Bill. In considering the Bill, legislatures embark on a public participation drive to solicit public views for further consideration by Parliament through the National Council of Provinces (NCOP).

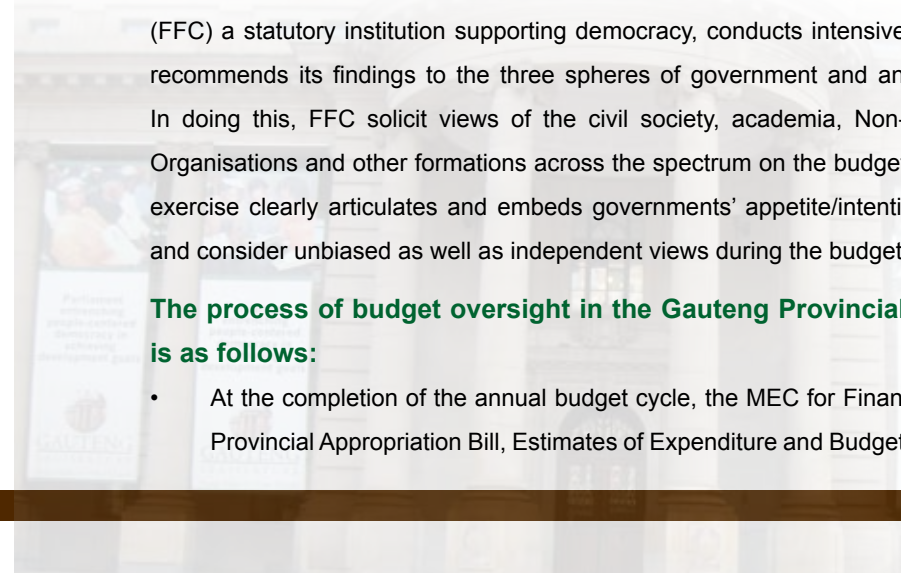
Through consolidated efforts of identifying critical service delivery areas by government's departments, National Treasury develops the National Budget. Government departments, before any given budget cycle, are required to conduct intensive engagements with civil society and the public in general through budget road shows also known as 'imbizos'. In addition to this, the Minister of Finance and various provincial MECs solicit views from the public via social media.

At a local sphere of government, municipalities engage various stakeholders under the auspices of the Integrated Development Plans (IDP) and the Growth and Development Strategies. This process is informed by a consultative approach adopted by government to ensure that plans conform to the aspirations and needs of the electorate.

Simultaneous to the efforts mentioned above, the Financial and Fiscal Commission (FFC) a statutory institution supporting democracy, conducts intensive research and recommends its findings to the three spheres of government and any state organ. In doing this, FFC solicit views of the civil society, academia, Non-Governmental Organisations and other formations across the spectrum on the budget process. This exercise clearly articulates and embeds governments' appetite/intentions to receive and consider unbiased as well as independent views during the budget process.

The process of budget oversight in the Gauteng Provincial Legislature is as follows:

- At the completion of the annual budget cycle, the MEC for Finance present the Provincial Appropriation Bill, Estimates of Expenditure and Budget Speech to the





House. This is done of the Provincial Budget Day following the National Budget Day by the Minister of Finance.

- The Bill is referred by the Speaker to the Finance Portfolio Committee for processing.
- The Finance Portfolio Committee schedules a meeting where the MEC for Finance present the overall Principles guiding the entire budget. In addition, the Finance Portfolio Committee organises public hearings where all Gauteng Provincial Government departments present the principles guiding their budgets.
- The Finance Portfolio Committee also invites the citizens of Gauteng through their various organisations to comment on the principles of the budget.
- Following these public hearings, the Finance Portfolio Committee prepares a report (with recommendations) on the Principles of the budget and the Principles of the individual departmental budgets.
- The Finance Portfolio Committee report is adopted by the plenary of the Legislature. Following the adoption of the principles of the budget, all the departments then present the detail of their budgets to relevant Portfolio Committees.
- The Portfolio Committees invite the citizens of Gauteng through their various organisations to comment on the detail of the budget.
- The Portfolio Committees adopt reports (with recommendations) which are presented and adopted by the plenary session of the Legislature.
- After the adoption of the individual reports of Portfolio Committees, the Legislature votes over individual departmental budgets and the overall provincial budget.
- In addition, departments report every quarter (three months) to Portfolio Committees on the performance on their programmes. Reports with recommendations are adopted and presented to the plenary of the Legislature.



Expenditure patterns are normally assessed through these quarterly reports.

- Every quarter, the Gauteng Department of Finance submits a government wide financial report to the Finance Portfolio Committee. Through this report, the financial performance of all the departments is assessed and recommendations are made to correct problem areas.
- All the recommendations of Portfolio Committees are supposed to be governed by SMART principles.
- Once the recommendations from Portfolio Committees are adopted, they become the Resolutions of the House. They are officially followed up by the Office of the Speaker on behalf of Portfolio Committees.
- With the assistance of Committee Support staff, all Portfolio Committees do an analysis of responses from departments on House Resolutions. What is not yet there in the process is the presentation of reports by the Portfolio Committees to the House on their assessments of responses.

The entire process of Budgeting Oversight is governed by a model of the Legislature called Programme Evaluation and Budget Analysis (PEBA).

It should be noted that the macro priorities are informed by the priorities of the governing party for a particular political term.

Meaningful public participation vis-a-vis public education

The quality of inputs made by citizens during the budget process is usually indicative of the level of flow of information between the government and the electorate. There is a perception that government does not take into account, when drafting the budget, issues raised by the citizens during the public participation process. This is perpetuated by the notion that government does not provide adequate education to citizens on

its processes. Consequent to this failure, the inputs and contributions of the citizens becomes insignificant to the budgeting process.

Reasons advanced within some quarters are that the drafting of the budget remains a technical matter that requires special expertise. Government programme in general, has been attributed as one of the impediments to meaningful participation. Although, platforms are provided for meaningful involvement by the public, some sectors of society do not use them. As a result, this leads to poor or non-participation in government initiatives. Surveys by research institutions such as the Institute for Security Studies in its report on Challenges to Public Participation in South Africa's Parliament, corroborate this observation.

As a way of ensuring meaningful participation and to avoid malicious compliance, concerted efforts should be undertaken to invest more resources in public education. This is an imperative of a constitutional and responsive government.

A holistic understanding of government operations, programmes and projects by individual citizens, community based organisations and civil society more broadly will also go a long way to help in overcoming this problem. It is also important to create platforms to facilitate meaningful citizen participation in the budgeting process when the cycle starts and not at the end.

Conclusion

Whilst public participation remains important, it is apparent that this constitutional imperative provides space for discourse between government and the citizenry. It is even so in the budgeting process. Government's efforts to maximise public participation should be welcomed and enhanced. However, in order to derive value from this exercise, more needs to be done. Some of the protests by some community members



related to service delivery issues point to the centrality of regular public engagements between government and the people. But this is not to condone any violent protest. With the mechanisms we have created, we have the capacity to have one of the best participatory democracies. Its needs hard and smart work and commitment to the values of our constitution. Let us do it.

Thank you for listening.



Participants at the Gauteng Provincial Legislature – Children's Parliament



One Size Does Not Fit All:

Assessing the Potential Impact of Public Participation on Sustainable Local Development

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1. Introduction

Conventional approaches to local development have not been successful in eradicating poverty, unemployment, and inequality. These challenges continue to face policy makers and development practitioners in South Africa. More specifically, it has become clear that at the global level, there are structural differences between the global North and the global South. What makes sense in the North may have different results in the South. Typically, tailoring development strategies in the global South offer alternative agenda for development planners in the South.

Accordingly, there is a need to generate alternative approaches to development which are participatory in their form in order to enhance the inclusion of those who are often left out of mainstream development. Indeed, in the last few decades, health professionals, non-governmental agencies, multi-lateral and bilateral aid agencies, foundations, and government agencies have increasingly turned to empowerment and community participation as major strategies for alleviating poverty, social exclusion, and reducing health disparities (WHO, 2006). Empowerment and bottom-up approaches have also become more dominant community development paradigms. Accordingly, the argument about more participatory approaches to development is based on a number of concerns, *inter alia*:

- Addressing the key linkages between poverty and deprivation on the one hand, and developing local capabilities to enhance local development on the other hand
- Focus on giving priority to disadvantaged groups



- Generate strategies that are rooted in the geography of localities
- Promote bottom-up approach to development and social change
- Shifting emphasis from imported technical solutions to community development

More specifically, as public participation and its empowerment component has entered mainstream public discourse, there is a need to pay more particular attention to the dimensions and clarity of outcomes associated with public participation and community empowerment. The outcomes of public participation may be psychological, organizational and political. More importantly, at a local level the local government provides an important context for these multi-level empowerment approaches. Typically, the objective in this paper is to explore the potential impact of public participation on sustainable local development.

Accordingly, the paper is organized into four sections of material, viz, understanding the context of public participation; decentralization, public participation, and community empowerment; exploring the issues of trust; and, exploring some specific barriers to public participation. The paper is premised on the argument that one size does not fit all. Accordingly, public participation is seen as an instrument that encourages local voices and local agencies, empowers communities to participate in their own development and in ways that empower communities to contribute to their own development. Of interest is that public participation may also contribute to evidence-base decision making, evidence-base policy making, and development of strategies from facts that are rooted in real local geography.

2. Understanding the Context of Public Participation

The global economy has seen a greater majority of people being alienated from the mainstream discourse on governance and thus marginalised. These people remain unemployed and underemployed, and continue to lack a sense of belonging and a



recognizable role in local development. Some of the young people from these localities may be second or third generation of unemployed. Their social mobility tends to be highly restricted. Indeed, if development is to last in such localities, it must partly be based on the energies and visions of the affected people. Indeed, physical improvements alone may not last if the local people lack ownership and pride in them. The emergence of public participation could be seen, therefore, in light of the failure of more conventional approaches to development which were often top-down in their form.

It is argued that there has been an increasing pressure by individuals and community groups for more participation in decisions that affect their locality. Indeed, programs that are designed to tackle poverty and deprivation are often located at local level. Accordingly, public participation or community participation is based on the belief that community development especially at local level has potential to create social change, tackle poverty and inequality. Overall, public participation has a potential enhance political consciousness and improve living conditions of the people.

For public participation to be effective, the issues addressed must have local relevance. Accordingly, there must be a conscious effort to build a tradition of local collective activity which builds confidence, capacity, voice and agency of the local participants. Indeed, achieving public participation and making it work should be an evolutionary process. Such an evolutionary process may lead to more empowerment, improve democracy, and create a reflective, inquisitive and learning community. A key aspect in this evolutionary process is the incorporation of local knowledge into the project's development planning and the projects' decision-making processes. The emphasis is on shifting from developing imported technical solutions to more participatory local development. In particular, the participatory approach to local development recognizes and values the skills of local people who are living on poverty. More importantly, the



exposure to participatory experiences can transform the attitudes and implementation styles of authoritarian bureaucracies (Mansuri and Rao, 2004).

It is believed that through their participation, the poor may develop their capacities and solutions which may enable them to move out of poverty. Capacity is seen in terms of both training and other methods that may help people to develop confidence in themselves and skills that are necessary for them to achieve their purposes. These capabilities can then be enhanced through further training, interactive learning, practice and education. The key challenge is that of linking individual development into more forms of collective actions for social change. Collective action is emphasized due to the nature of what is to be achieved, namely community development.

Public participation poses an interesting challenge to the conventional and scientific agenda in terms of undertaking development. More specifically, the emergence of the concept of public participation and civic science highlights that science and more specifically development should become a more interactive process between the 'expert' and the lay people (Babbie et al, 2009). That is to say, science, and development in particular needs to be reconnected to its cultural context. Accordingly, science and development must increasingly be linked to issues of empowerment and activism (Babbie et al, 2009). More emphatically, development should increasingly become relevant to its social context.

It is argued that development and science should not shy away from issues of power and transfer of power (Babbie et al, 2009). These new ways of thinking about public participation and science are bringing with them challenges to conventional approaches of doing things. The key argument is that of more participatory approaches of development which by their nature are designed to devolve power to the poor and powerless people who are often socially excluded from mainstream development



approaches. The challenges imply that professionals need to make changes in their personal, professional and institutional values and practices. These pressures increasingly emphasize that sustainable local development require not just new solutions but new methodologies including public participation.

Public participation has been recognized as a key element of sustainable local development. The challenge is that of investigating the effective ways for greater grassroots participation in public participation in ways that empower these participants to contribute to their own development and deepen democracy especially in post-conflict societies such as South Africa. That is to say, the emphasis is on maximizing real opportunities brought about by public participation for communities and grassroots actions to become part of the mainstream development. This approach to development recognizes people's organizations, including women's groups and non-governmental organizations (NGOs) are important sources of innovation and action at local level. More importantly, the emphasis is on recognizing the importance of capacity building in strengthening mechanisms that allow for knowledge sharing between communities at all levels.

3. Decentralization Public Participation and Community Empowerment

A community is often understood as having to do with locality, with actual social groups, with specific quality of relationships which are felt to be more immediate than society. It is that web of personal relationships, group networks, traditions and patterns of social behaviour that develop against the backdrop of the physical neighbourhood and its socio-economic situation. The community can be a scene of conflict, exclusion, and even togetherness. Overall, community can be seen as a dynamic process in which a shared commitment creates and recreates community through action by people who are aware and are committed to the principle of working together for a better life and a better world.



There is a real link between decentralization, participatory development, deepening of democracy, improved service delivery in terms of better matching of public services to citizens' needs and preferences; and, increased innovation as problems are solved at the local level and as successes are disseminated. It is often argued that decentralization is a means through which to enact and deepen democratic governance and to improve administrative and service delivery effectiveness (Brinkerhoff and Azfar, 2006). Decentralization is often regarded as a top-down process which is driven by unitary or federal state in which the centre grants specific functions, authorities and resources to sub-national and local levels.

Deepening democracy requires the active engagement in public affairs from all strata of life (Brinkerhoff and Azfar, 2006). It also implies improved accountability and responsiveness to a broad range of citizens; and improved skills and capacity of citizens to participate effectively in public affairs. Further, it requires expanding the numbers of citizens that are able to participate effectively in public affairs. In the process of participating in these voice related issues, community participants build their leadership capabilities and self-confidence which enable them to enhance their interaction with local government officials and policy makers.

Public participation should also create conditions for local government to become an institutional arena where citizens can learn skills that are associated with democracy, and how to exercise their rights. That is to say, through the expanded political space afforded by local government, local residents have a real opportunity to develop democratic leadership skills. For example, participatory budgeting and integrated development plans (IDP) offer avenues for citizens and local government officials to acquire experience in public speaking and debate, managing public meetings, dealing with community demands. Accordingly, positive experiences with local government

can lead to citizens that have a deeper faith in the democratic processes, that are more willing to participate in it, and are also more willing to defend it. Further, these experiences may help citizens to learn how government works, and again gain confidence in interacting with local government officials.

The process of public participation seeks therefore to improve relations between top (government) and bottom (community) in order to find new directions together. The strong upward connection to higher levels of government and line ministries is important to facilitate the flow of resources. Further, changing from top-down to bottom-up development in a manner that is sensitive to local context and culture requires patience and long-term horizon. Overall, increasing and more meaningful dialogue between communities and local government through public participation may lead to more informed policies. Indeed, outsiders should resist imposing blueprint forms of development on local inhabitants.

It is important to emphasize that the context in which the public participation occurs may be where communities do not know their rights and also find it hard to access decision-making structures. This situation tends to exacerbate poverty through lack of access to decision-makers and outside resources (Hemson and Hemson, 2007). Therefore, there are compelling reasons to make such approaches work as they are capable of enhancing community voice and agency and sustainable local development. Overall, there is a justifiable argument of a link between community voice and improved service delivery (Hemson and Hemson, 2007).

Public participation may help local government improve the allocation of resources by improving the match between what people want and what is actually provided. Public participation in the form of health committees and community-based natural resources often bring communities with public providers precisely for the purposes of assuring that services meet the user needs.



An interesting issue associated with bottom-up dynamic is local or community empowerment in which local actors, local capacities and resources are mobilized for collective action and to achieve public development. Again, local government constitutes the institution loci where these top-down and bottom-up drives meet. Therefore an important question for the successful achievement of decentralization's democratic and service delivery aims is whether and how community empowerment interacts with local governments to further these objectives. Critical to the interplay between citizens and local government is the constitutional and legal framework that establish citizens' political and civil rights and enable them to exercise these rights.

The alternative forms of development particularly those that are bottom-up and participatory in their form are often aimed at making development more inclusive, empowering poor people, building social capital, strengthening governance, eliciting development priorities from target communities and allowing communities to identify projects and eligible recipients, and strengthening the civic capabilities of communities by nurturing organizations that represent them (Mansuri and Rao, 2004). These processes often contribute to creating voice and agency for the poor people and allowing them to have more control over development assistance. Again, this process is often expected to make the allocation of development funds more responsive to the needs of community, improve delivery of public goods and services, and strengthen the capabilities of the people to undertake self-initiated development activities (Mansuri and Rao, 2004).

Conceptually, community empowerment is closely allied with citizen participation and is often viewed in instrumental terms as contributing to achieving particular purposes (Verity, 2007). The scope of empowerment has also been expanded to include access to information and resources, having a range of choices, and being able to exercise



voice. Indeed, community empowerment concerns how members of community are able to act collectively in ways that enhance their influence on or control over decisions that affect their interests.

As communities are made up of individuals, empowerment is most likely to emerge first among a small group of motivated community members before expanding to a broader base of citizens through constituency building, education and outreach. These small groups can then be used to enhance critical consciousness and build supportive environments and a deeper sense of community.

Empowerment calls for organizational capacity building of local groups so that they may take on a variety of functions including advocacy campaigns and technical policy issues. Thus in effect public participation becomes a learning laboratory where participants enhance communities' organizational capabilities. Community empowerment is, therefore, not something that state actors can bestow upon communities. The grassroots movements bring into relief the political nature of community empowerment especially when they are used to challenge the state power and the dominance of local elites.

It is worth recognizing that local elites may capture the bulk of benefits of public participation. Often these elites are the only ones who can effectively communicate with outsiders, read project documents, keep accounts and records, and write proposals (Mansuri and Rao, 2004). In particular, public participation is expected to break this barrier of elite domination and ensure adequate representation and participation. However, breaking this elite domination and other forms of domination may be a gradual process. Indeed, community empowerment is a long-term process of building on the collective experiences and skills of gradually expanding groups of citizens.

The support of non-government organizations (NGOs) is critically important in the empowerment of communities. With support of NGOs local communities may take



the advantage of these empowered spaces and establish alternative paths for citizen engagement to achieve more service delivery and again engage in activities that seek to eradicate poverty. For example, the empowerment of self-employed people through their associations may not only empower the marginalized participating actors in the informal sector in economic terms but may build leadership capabilities, self-confidence and ability to interact with government officials and policy makers.

Community empowerment experience may also increase the opportunities for citizens to develop new expectations of government which may include expectations of respect for human rights and equity, more social inclusion of those who were previously socially excluded from the mainstream development activities. These activities are critically important in making people become more confident in their own agency to achieve their intended objectives. Therefore, what matters most is that the experiences acquired through public participation contribute to reinforcing the building blocks of democratic local governance and more sustainable local development.

It is argued that public participation provides an environment where the role of community can be defined as an important stakeholder as well as their more active role in their development. This means incorporating the power and ability that social groups have to make choices and use such choices to improve their situation. To do this requires a clearer analysis of the social dimensions local of development as well as how governance systems distribute power, authority, and resources (TARSC, 2005).

Public participation is thus deeply connected with understanding how local development is organized to reflect the central role of people including the vulnerable groups. Thus, public participation cannot be divorced from issues of social mobilization and community organization. Community structures are therefore capable of becoming public platforms for debate and feedback. They can also engage parliament and



provincial legislatures on issues of equity and redistribution of resources. More importantly, access to information is the basic foundation for community empowerment (Brinkerhoff and Azfar, 2006). That is to say, with public participation local initiatives can translate into policy input.

4. The Issue of Trust

The issue of trust has also been raised as public participation has potential to strengthen and reinforce the relationships of trust between communities and government authorities. The process of generating trust is often produced through repeated exchanges (Riamond, 2001). Through repeated exchanges expectations are created that will govern subsequent exchanges (Riamond, 2001). Trust requires continuous maintenance and reinforcement.

The lack of trust can be summarized as a situation where observers often note that community did not ask and leaders did not consult (TARSC, 2005). The lack of transparency, information flow, and weak consultation all undermine trust relations between leaders and community. In order to build synergy, trust and cooperation between communities and various elements of service delivery, there is a need to recognize and manage the power relations that give space to these interactions, that build or block effective representation- including representation of women and youth- and that shape specific responses to their demands. Building trust and cooperation requires a range of enabling measures such as formal recognition of community roles and ownership in development processes, structured space for public participation, and recognition and value of community experiences.

Public participation is not a simple process. By contrast it is a complex process involving multiple actors with multiple objectives. It can change, grow or diminish based on the unfolding of power relations and social context of the project. It is not



always controllable or predictable in its outcomes, and may happen with or without professionals. Typically, the professionals' role should shift from dominant to facilitative role (WHO, 2006).

5. Exploring Barriers to Public Participation

A number of barriers may affect public participation and include psychological barriers such as low perceived value or weak leadership, cultural barriers such as unequal power dynamics so that collective action is made difficult for marginalized groups such as youth and women, and institutional barriers such as bureaucracy or political barriers, high social stratification, history of poor experience of participation in government, and racism. Participation may also be constrained by development experts who are unwilling to challenge power relations, lack of knowledge about empowerment or unwillingness to extend beyond key informants in order to genuinely facilitate community decision-making. Thus it is important to know not only who the official representatives of the community are but also whose voices remain unheard, and what power inequalities are preventing certain actors from participating.

Public participation requires an awareness and consciousness about the importance of the social contextual influences that contribute to social exclusion. As an approach to local development, public participation should, therefore, intervene to empower different sub-populations. With new opportunities, the socially excluded populations should become more capable of moving beyond their restricted life conditions.

Public participation should continually enable communities to generate meaning in their social transactions, their identity and how they redefine their relations to structural constraints. Empowerment strategies should therefore focus on enabling the marginalized groups to create and recreate their social norms, seek changes in equitable conditions, develop cultural and cross-boundary identities, and gain access to resources

that promote more equitable development. Overall, the empowerment of the poor people is an important strategy to improve development effectiveness (WHO, 2006).

The role of agency of marginalized communities to exercise choice and transform their lives, and the role of opportunity structure, the institutional, political, economic, and government context that allow or inhibit actors to create effective action is important in public participation. Public participation now extends just implementation of interventions but include planning, development, and evaluation of strategies and programmes. What becomes important is not just the number of people who attended public participation but the quality and intensity of active involvement that is significant.

6. Conclusion

The failure of more conventional approaches of development to reduce poverty, social exclusion, and inequality have seen the emergence of more participatory forms of development. More specifically, in light of the above discussion, it became clear that effective empowerment strategies including public participation are indeed needed to make development work for the poor and socially excluded people. However, public participation alone may not be sufficient if communities are not capacitated to build and enhance their voice and agency.

More importantly, it remains difficult to generalize on successful forms of public participation that have led to more empowerment of previously marginalized communities as these experiences tend to be generated in localized contexts. The use of terms such as best practice may thus not be useful and greater emphasis could be placed on contextualized project design. Thus one size may not fit all as specific outcomes may vary by issue and social context. Further, public participation is a complex process which can change, grow or diminish based on the unfolding of power relations and the social context of the project.



Thus it is worth noting that empowerment strategies may be more successful if they are integrated within policy strategies that are aimed at creating greater equity. Overall, broad empowerment initiatives require a range of methodologies that examine programmes within their socio-political contexts. What is still needed is more investment on further research that examines the added value of public participation that promotes empowerment outcomes.

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Creating a culture of genuine participatory democracy

Presented by Keith Peacock: Johannesburg, South Africa

“Developmental local government is local government committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives”.

The White Paper on Developmental Local Government (1998)

Introduction

This paper looks at the extensive legislative framework on participatory democracy; some of the challenges of inclusive ongoing participation within local communities and the present legislative cycles that define planning, prioritization, implementation and evaluation of service delivery within local government and possible solutions to facilitate the attainment of participatory democracy. The focus of the paper is on local government in general and participatory processes in local communities in particular, which may be seen as problematic, as vertical integration in participatory processes may be seen as a significant weakness in the ‘way things are done’ at present within all three spheres of government. However, participatory democracy must start in the local community and other forms of participation should be contextualised within this priority.

There is a general, very real confusion between ‘consultation’ and ‘participatory democracy’. This tension is not restricted to South Africa, but given the historical context of the struggle for liberation and the depth of challenges we face as a nation, it can lead to local communities becoming a passive and increasingly frustrated observer of decisions on service delivery with an associated alienation from the existing participatory processes.



A potential consequence is spontaneous and often anti-social collective behaviour which undermines the gains of our young democracy. Indeed we have seen a significant increase in protests outside the comfort zone of formal processes in recent years. The report on the state of local government in South Africa identified dissatisfaction with service delivery (such as water, electricity and toilets), unemployment, poverty, allegations of rampant corruption in local governments, and rising costs of utilities. As it clearly stated, “the local government sphere is in difficulty”. The report is cuttingly frank and concludes the section on governance with these words:

“In respect to community engagement with public representatives, in instances where it was found that there was a lack of a genuine participatory process, due to political instability, corruption and undue interference in the administration, then it can be said that there is a failure to provide democratic and accountable government. This failure is growing as evidenced by the community protests and intense alienation towards local government being expressed by such communities.

Participatory democracy is a cornerstone of “planning, implementation and evaluation” within all three spheres of government service delivery – there is an excellent legislative framework on participatory democracy, but far too often participation becomes a messy reality of a series of meetings with no clear outcomes. Instead of a genuine dialogue between elected representatives and communities a paternalistic monologue can be created, peaking during an election period and fading into oblivion for the next five years.

The Presidency’s 15 year review highlighted the importance of participatory democracy:

“At the point of approximately fifteen years after the formal introduction of electoral democracy in 1994, South Africa had therefore developed a system of tentative multi-dimensional participatory democracy, positioned within a base framework of



constitutional and electoral democracy, but extended through a relatively wide range of initiatives that introduced multiple levels of engagement between government and citizens - forms of engagement that impacted on most of the phases of political and policy decision making.

The system spanned electoral cycle activities that were supplemented with participatory actions that fed into the two participatory thrusts of interest articulation -policy making and active engagement in a range of actions of governance and policy evaluation. The participatory actions were both solicited-structured and spontaneous-unsolicited. In the spirit of democratic engagement and continuous contestation, all of these actions became part of the democratic-era repertoire of citizen engagement with the institutions and processes of South African government.”

Critical to this review by the Presidency is the recognition that the systems of participatory democracy are “tentative”, the initiatives are “relatively wide” and there is a range of “spontaneous-unsolicited” participatory actions. Yes we have come a long way, but it must be recognised that there is a long road yet to travel.

But let's take a short journey

Walk with me. Today we cannot walk every road, but we can walk at least one. Firstly, we are walking, we are not jogging, driving, or riding racing bikes with our peers. This immediately creates an image about the environment we are likely to be in and who we are. As we walk - we talk, but we also take in the environment around us, this is mainly a subconscious process, but we may comment on certain aspects of that environment.

We are walking in the road, because we normally do, we pass an abandoned overgrown plot, clumps of bug-weed grow out of the weeds, and the area is littered with building rubble; weeds grow out of the pavement; the acrid, slightly sweet smell of burning plastic, as the coating of stolen cable is burnt off, lingers in the still air as we pass the



local scrap yard; a vehicle with council markings offloads cable off-cuts; we pass a yard with a mixture of grass and neatly swept dirt; next door there is a derelict house surrounded by shacks with a small spaza shop, music pumps out and a small group of youths of school age, sit drinking alcohol on the pavement.

Two feral dogs run across the road, the leader with the discarded remains of food wrappings hanging from its mouth; above, a ‘temporary’ cable links the street lights; and on the ground crossing the street is a cable, supplying power to a derelict property; we reach the bottom of the hill and walk around the slightly damp remains of toilet paper mixed with other unidentifiable, but still smelly objects, remains of the thunder storm the night before, a metal cover lays beside, where the force of the water had thrown it. The robots at the cross roads flash red and a neatly cut trench stretches across the road, its temporary filling long washed away. The road is tar, but on a corner next to a storm water drain inlet a deep hole has appeared, and potable water flows into the guttering feeding the weeds; the concrete cover of the drain has collapsed and rears out of the resulting scar in the dust. We will return to this street later, but the visual image remains with us as we have all seen such streets, or have we?

Problem statement – an overview

At this time it is normal to acknowledge the excellent work of politicians and officials, but that would be patronizing given the challenges that have been faced since 1994 and the many failures that we must also acknowledge. This paper is not intended to create a comfort zone enhancing a perception that business as usual is sufficient to meet the needs of our local communities. In a short paper of this nature one cannot cover the full depth of the very real challenges that face our communities, but is hoped that it is stimulating, and we may see a glimmer of some of the solutions we all seek in building a developmental state and real participatory democracy in our local communities.



In general, community members do not differentiate between different spheres of government – government is government, and the responsibilities of different spheres, departments within a specific sphere, and municipal owned entities is not an important aspect of a local community's perception of government in general. Therefore, although politicians and officials see their relationship with communities in terms of the scope and span of their own responsibilities, local government, being closest to local communities, is seen as the face and service provider of government. This makes inherent sense to the community.

However, this local community perception is not reflected in elections. Turnouts are significantly lower for local government elections, when compared with the simultaneous national and provincial elections. Communities continue to hold accountable the political party in power at a provincial and national level, despite the fact that the overwhelming majority of services are provided by local government. Moreover, community members would be unable to name the proportional representation deployed to their area from national and provincial legislatures. As an aside, it is important to state that the proposals for alignment of elections and financial years for all spheres of government appears to be rational and cost effective approach.

The legal framework for participatory democracy

Question: Should there be a national or provincial integrated framework for public participation, or is it all getting a little too confusing?

There is no integrated legislative framework for participatory democracy in South Africa. The legislation has grown out of the commitment articulated in the Constitution of South Africa that our non-racial, non-sexist democracy enjoins government not just to seek to provide services to all our people, but to be fundamentally developmental in orientation.

Within the context of local government the most often quoted piece of legislation, The



Municipal Systems Act, clearly states “a fundamental aspect of the new local government system is the active engagement of communities in the affairs of municipalities of which they are an integral part, and ***in particular in planning, service delivery and performance management***” (emphasis added). A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance.

The current policy and legislative framework affecting local governance are primarily contained in the Constitution, the Local Government White Paper, the Government Municipal Demarcation Act, the Local Government Municipal Structures Act, the Local Government Municipal Systems Act, the Local Government Municipal Finance Management Act and the Local Government Municipal Property Rates Act.

Municipalities are required: to be responsive to the needs of the local community; facilitate a culture of public service and accountability amongst its staff; be performance orientated and focussed on the objectives of local government, including its developmental duties; ensure that its political structures, political office bearers and managers and other staff members align their roles and responsibilities with the priorities and objectives set out in the municipality's integrated development plan; establish clear relationships, and facilitate co-operation, co-ordination and communication, between its political structures, political office bearers and its administration and the local community.

The legislative cycle

Question: Do the present legislative timeframes for participatory opportunities ironically militate against participatory democracy?

The requirements for public participation, or as it is still oddly referred to in some sections of legislation - consultation, in any one year, is relatively complex within all spheres of government.

Within local government, public participation in a single financial year is required to cover three financial years. The reporting, publication and public participation on the previous year's performance around the annual report, this includes the opportunity for public input at council meetings and, if the requirements of the associated regulations are to be met, community participation in the review process of senior management ; the implementation of the present year's integrated development plan and community participation in service delivery; and the planning for the next year's amendments to the Integrated Development Plan and associated budget.

Table 1 - Simplified overview of participatory requirements in a single local government financial year

Approximate Deadline	Activity
1 July	Start of the new financial year
Early July	Monthly revenue and expenditure projection and performance agreements with senior staff for this financial year made public 14 days after sign off of the Service Delivery and Budget Implementation Plan.
31 Aug	Final date to table time schedule of key deadlines, including the consultative process, for this financial year to develop the plans and budget for the next financial year.
20 January	National/Province to report on allocations to Municipalities.
31 January	Final date for presentation of annual report of previous year to Council.
Approximate Deadline	Activity
31 January	Final date for making public annual report of previous year.
2 April	Final date to table draft annual budget before Council.



2 April	Final date to make public the draft annual budget for the next financial year.
31 May	Final date to table annual budget for consideration by Council with any revisions and consider local community inputs and the Mayor's responses .
Plus 7 days	Maximum time to re-table the annual budget for re-consideration by Council if the original budget not approved. Can be repeated. Up to the 30 June.
Plus 28 days	Maximum time for sign off of the Service Delivery and Budget Implementation Plan after Council approval of the budget. Normally before the 28 June 1 July New financial year.

The above table is a gross simplification of the real situation, covering only local government - Throw in an election year; the development or revision of a growth and development strategy; the spatial development framework and its local variants; possibly a bylaw or three, or revisions of; public participation, specifically around the annual revision of rates and service charges; there could even be consultation around valuation revisions. If the legislated timeframes are seen as the driver of participatory democracy and not undertaken in a sensitive manner, it is sufficient to confuse and alienate the most aware members of local communities, not least officials and elected representatives.

Creating local community (ward based) plans

Question: Are community based plans part of the solution to inclusive participatory democracy?

Local communities are not light bulbs to be switched on at election time, or even for that matter immediately before community meetings, communities deserve and expect



much more from government and the legislative framework is absolutely clear of their rights and also their responsibilities.

The Municipal Systems Act, 36 of 2000 identifies three key areas for public participation, planning, implementation and evaluation, implicit in this is an element of involvement or participation in the identification of benefit to the community. The following gives some indication of these four components.

Diagram 1- A simplified cycle for community based planning



Participation in implementation — Members of the community are actively encouraged and mobilized to take part in specific aspects of the completion of the community plan targets. This could include a commitment by a local school to be involved in community outreach to support vulnerable members of the community; community commitment to identify and report service delivery challenges; clean up and development of empty plots; Participation in evaluation — Each year there is a need for reflection, not only on the performance of council, in terms of the agreed targets by each service provider, but also on the communities own performance. Upon completion of a project, people are invited to critique success or outstanding challenges;

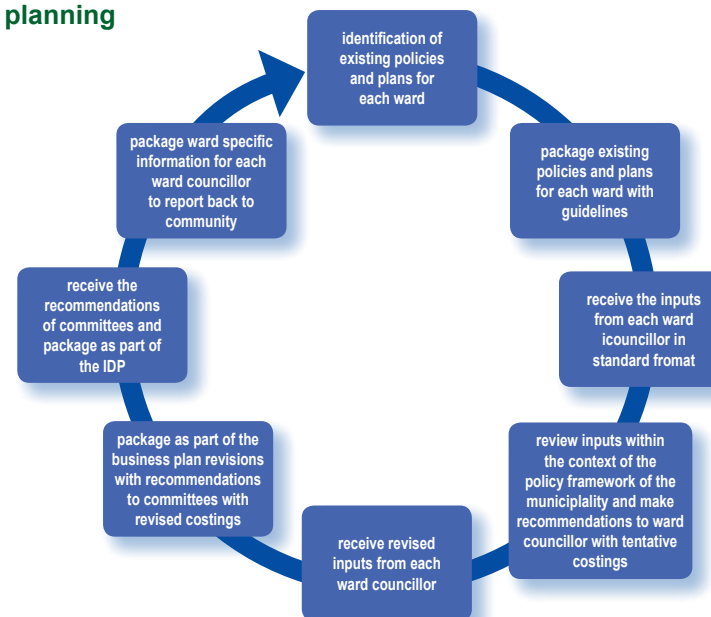
Participation in benefit — Communities must enjoy the successful outcomes of the completion of the community based plan. It can be as simple as a reduction in the theft of manhole covers; the concentration of alcohol outlets in a designated area; reduced service delivery failures; to more significant successes such as access to



potable water, improved sewerage systems; reduced power outages or significant capital projects such as hostel upgrades; and

Participation in decision-making — People initiate, discuss, conceptualize and plan activities they will all do as a community. What is clearly the responsibility of the community, especially in areas of value add and what are the responsibilities of each sphere of government.

Diagram 2 - A summary of the internal processes to facilitate community based planning



Criteria for success of a community based plan

Question: Is sufficient information available to ensure councillors are empowered to facilitate the development of a successful community based plan?



A community based plan is not simply a wish list of perceived requirements that communities believe should be provided by the different spheres of government, if there is to be ownership it must be based on a clear understanding that we are a developmental state which requires the involvement of the local community in the successful attainment of the agreed outcomes of the plan.

The development of any community based plan must ensure that the final targets are realistic and realisable within agreed timeframes. It is in the vested interest of the councillor to be aware of the limitations of popularism in the longer term and how it negatively impacts on relationships within the community and between community and elected representatives;

The development of community based plans must be within the legislative framework for the development of the integrated development plan and the associated business plans of departments and municipal owned entities. Councillors, therefore, need to be aware of these timeframes and empowered to work within them.

Inclusivity within the initial and ongoing participatory processes is a necessary criteria and any plan cannot be based on simply who turns up to a meeting. This is one of the greatest challenges for any legitimate realistic plan.

People's memories of agreements adapt over time, It is perfectly natural that a focus is on the failures of others, especially government, rather than a local community's own failure to achieve what it has agreed to do. Therefore, any agreed responsibilities for the attainment of the plan must be clearly spelt out. This requires the finalised plan to be written in a standard format and widely distributed.

Previous decisions must be understood by all role players. No councillor wants to be embarrassed and have to deal with community resistance because s/he is unaware



of capital projects that are suddenly initiated in the ward, whether they be the removal of parts of an informal settlement to make way for a sewerage project or even the digging up of part of the local golf course! This requires that all previously planned capital projects and major Opex initiatives are provided in an integrated ward based form to a councillor on an annual basis. Most importantly there must be an ongoing flow of information on any proposed changes or cancellations that must take the form of a structured and integral part of dialogue within a council. It also infers that the communications between spheres of government, especially to local government, are without fault.

Policy on the geographical areas covered by clinics, community centres and emergency services, and the location of existing facilities needs to be part of the initial briefing for each ward. It is not unusual for councillors to want 'their' own capital projects, in their own wards, and the limitations of this approach need to be clearly understood.



Executive Director: Core Business, Ms Hlengiwe Bhengu, facilitating a session at the PPP Conference



Many councillors are often overcome by the sheer volume of complaints from individuals and communities, and as the elected representatives closest to the people take on responsibilities far wider than those of local government, including other spheres of government, third party service providers, acting as marriage guidance councillors and trying to facilitate the resolution of local personal and community disputes. This requires councillors to be empowered with regularly updated information on agency support networks to assist in the provision of the support of the individuals, households and communities and reduce this additional workload.

Ward committees are potentially a support mechanism for Ward Councillors in their everyday work and the development of community based plans.

Ward Committees

Question: Can we overcome the present identified weaknesses that exist in the ward committee system?

Each ward committee consists of the elected ward councillor and 10 additional members nominated from the community to promote community representation and participation. However, the functionality and effectiveness of the ward committees is a matter of serious concern.

The provincial returns on the functionality of ward committees should be taken with a pinch of salt. There is little doubt that many ward committees are simply not functional; do not meet regularly, if at all; are a potential point of contestation between councillors and ward committee members who represent specific community interests; often lack the skills to give the support councillors need, and which is defined in the Municipal Structures Act.

The payment of stipends to ward committee members, no matter how well intentioned and rational at the time the decision was taken, can undermine the need for a culture



of volunteerism within communities in the implementation of locally lead initiative and enhance a culture of dependency.

There is no simple solution to the present state of ward committees, but there is a strong argument for a review of the present legislative framework and the specific policies and practices of councils with respect to ward committees (How does this affect public participation?).

Ensuring community participation

Question: Can we recover and build on our history of community participation?

The report on the state of local government (2009) is clear on the challenges that need to be overcome, "...in respect to community engagement with public representatives, in instances where it was found that there was a lack of a genuine participatory process, due to political instability, corruption and undue interference in the administration, then it can be said that there is a failure to provide democratic and accountable government. This failure is growing as evidenced by the community protests and intense alienation towards local government being expressed by such communities".

Exact figures are difficult to obtain, due to underreporting and definition, however, it is estimated that there has been a 20 fold increase in service delivery protests since 2004 and there is presently little evidence of future declines. It could be argued that given the responses of spheres of government to each incident that there is a recognition that so called spontaneous action is an effective mechanism of raising awareness and the delivery of potential solutions to the local communities very real needs. What it clearly reinforces is the frustration of many communities to the forms of participation they have participated in since 1994.

Conversely, there are clear indications of a corresponding decline in participation



in the participatory opportunities 'offered' by government. The term 'silent majority' was originally used to refer to those who had passed on (died), it was popularised at the height of the Vietnam War, by the then President of the USA, to dismiss anti-war activists as unrepresentative of the will of the American People

By definition the silent majority should be 'silent', but the definition is, in its self poor, as irrespective of one's participation, or lack of it, in formal participatory processes, including elections, there is little doubt that everyone has an opinion and a view of the priorities for their local community and beyond. These are shared every day, being reinforced within the extended family and peer groups, and subtly changing over time.

A controversial question is whether our own governance practices have allowed this so called silent majority to significantly grow since 1994. It is recognised that the optimism seen in the period of Vista 1 and 2 in the mid 1990's and the discussions and activism before and around the now largely erstwhile local (community) development forums are gone - one hopes not forever. Ironically, it could be argued that the initiatives of local community development forums were artificially transposed on both the traditional 'ratepayers' organisations, recognised by the apartheid regime, and the diversity of civic structures that had actively and visibly supported liberation, weakening the then existing structures of civil society.

For the community members a routine monthly cycle of meetings now exists, possibly including civic meetings, political meetings, community police forum meetings. For office bearers the scope and scale of meetings grows significantly, and there is the significant possibility that one is consistently meeting with the same minority of community members, just in different environments.



Question: Should we be looking for wider forms of participatory democracy rather than traditional meetings?

There is little doubt that community participation has significantly declined in terms of the interface of local communities with government, except in the exponential growth of service delivery protests. Have traditional meetings failed as a method of participation, or is it rather the content, outcomes and implementation failures that are the cause of the lack of participation in this traditional form of engagement. More research is required in South Africa, but it appears South Africa is not alone and this trend has been identified in so called mature democracies. Research from the United Kingdom states, "trend data show that the take-up of (involvement in) public meetings...(has) slowed significantly in the last few years, suggesting the use of these approaches may have reached their peak across local government".

However, for the purposes of this paper we can identify some of the challenges that can be identified in the decline in participation in meetings:

Poor publicity and short lead times;

Ineffective use of different channels of communication, including opinion formers, to raise awareness of a meeting;

Weak definition of the purpose of a meeting;

Weak chairing;

Weak recording of the outcomes of meetings leading to a lack of agreement on the outcomes of meetings and potential longer term conflict;

A lack of quality information on success;

Insufficient continuity between meetings;

Making commitments that cannot be met;



Failure of service providers to do what they have promised to do between meetings;
 Meeting fatigue - too many meetings with an absence of an integrated intra and inter-governmental approach;
 Monologues rather than dialogues;
 Too many presentations and not enough conversations; and
 Dominance of specific interest groups in public meetings at the expense of the majority of attendees;

There is little doubt that the present implementation of participatory democracy within communities through the use of meetings is generally weak. There is a clear gap between what is perceived as acceptable participation by officials, politicians and communities.

Creating wider participatory opportunities

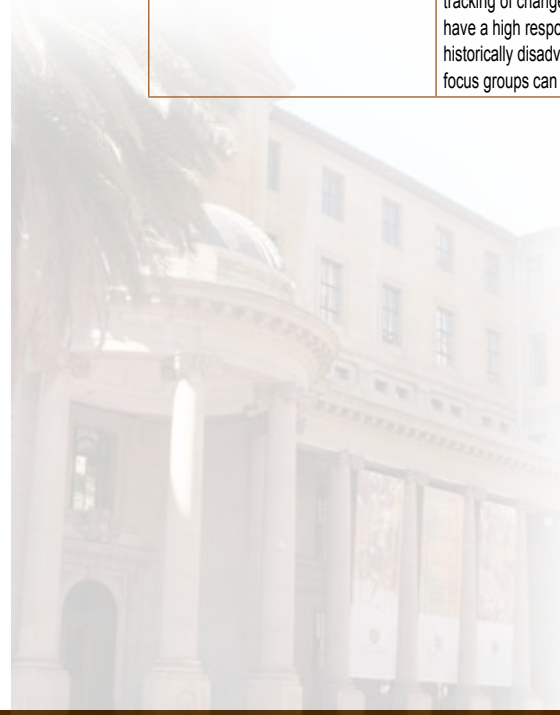
Question: can the following participatory opportunities supplement community based planning?

There is no one approach to participatory democracy. The following are some additional participatory approaches that can supplement community based planning. It is however, strongly argued that they cannot substitute for the development of local community based planning.



Table 2 - Some methods of creating wider participatory opportunities

Type of participation	Explanatory
Area/Neighbourhood Forums	Useful in areas with special challenges which can supplement wider participatory approaches for example in public housing projects, hostels, smaller informal settlements.
Citizens' Juries	A Citizens' 'Jury' is made up of people who are usually selected 'at random' from a local or a municipality's population, the jurors can question specialists who can provide different perspectives on the topic and collectively produce a summary of their conclusions, typically in a short report. The process is supervised by an advisory panel composed of a range of people with a possible interest in the outcome. The advisory panel members take no direct part in facilitating the citizens' jury. The report and additional comments would then normally be presented to a structure of government for conclusion.
Citizens' Panels	Citizens' panels are normally representative of the general population, for example, across a council. They can be used as a "sounding board" on identified priorities, service needs and policy changes. Panel members generally stay on a panel for 2-3 years allowing the tracking of changes in opinion over time. They are cost effective and by their very nature have a high response rate. In other forms they can also be used to target minority and historically disadvantaged groups. They are a quick and easily accessible resource and focus groups can be drawn from the wider group.





The Effectiveness of the Participatory Structures and Mechanisms that were Introduced by the Ekurhuleni Metropolitan Municipality (EMM) to Promote Public Participation.

Presented by ZM Ndima: Ekurhuleni Metropolitan Municipality

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Abstract

Contrary to the previous apartheid governance system in South Africa, the new democratic government emphasized the need for participatory governance, which would ensure the inclusion of all citizens in the affairs of local governance. Various Acts of legislation were promulgated in order to achieve the above and to create an enabling environment for effective public participation (Nyalunga, 2006). In fulfilling the requirements of the abovementioned enabling legislation, the Ekurhuleni Metropolitan Municipality (EMM) adopted the Public Participation Policy (PPP) in 2002. Even though the said policy established various participative mechanisms and structures for community participation within the EMM, it seems that the majority of ordinary citizens in this region still have limited knowledge of the opportunities (structures) available for them to participate in the affairs of local governance.

The study analysed the effectiveness (or lack thereof), of the participative structures and mechanisms currently in use by the EMM to encourage citizen participation in the local governance, from the perspective of the community members. In this study, a qualitative research approach, based on basic interpretative research design was employed. Multiple research methods including qualitative interviews (semi-structured & unstructured), documentary analysis and direct observations were used to collect



data. The results of the study indicated a general dissatisfaction with the process of public participation in the EMM, with most participants bemoaning ineffective information dissemination as well as conspicuous absence of their inputs from the final outputs (policies & decisions).

KEY WORDS:

Public participation, democracy, effectiveness.

1. Introduction

During the apartheid era, minimum spaces for public participation in decision- and policy-making processes of the local government existed. These spaces were mainly reserved for the white minority group, since local governments were used by the central government to maintain racial segregation and exclusion of other racial groups (Naude, 2001; Williams, 2000, in Nyalunga: 2006). According to Mogale in Mhone & Edigheji (2003: 216) the legal and administrative structures that were inherited from the apartheid system were not meant to serve the whole population of the country.

The demise of the apartheid regime in South Africa necessitated the enactment of a plethora of legislation in order to redress the imbalances created thereof. This further necessitated more devolution of power to the local government, as a tier of government closest to the poor and marginalized, to enable it to redress the damages caused by the apartheid policies to the communities by strengthening local communities and intensifying service delivery, and deepening the foundations of democracy (Mogale in Mhone & Edigheli, 2003: 216).

Various Acts of legislation, which created new participatory spaces for the inclusion of all communities in the affairs of local governance, were promulgated by the democratic government (Nyalunga, 2006). These enabling legislation included the Constitution of the Republic of South Africa Act, Act No.106 of 1996 (the Constitution); White Paper

on Transforming Public Service Delivery (Batho Pele), 1997; the White Paper on Local Government, 1998; the Municipal Structures Act; Act No. 117 of 1998; the Municipal Systems Act, Act No. 32 of 2000; the Municipal Finance Management Act, Act 56 of 2003, the Draft National Policy Framework for Public Participation, 2005 and the Policy Framework for Public Participation, 2007. Such and other relevant pieces of legislation made it mandatory for the local sphere of government to promote and encourage community participation in all matters of governance (Hicks & Buccus, 2007:101; Nyalunga, 2006). On the basis of the above-mentioned legislative framework, the Ekurhuleni Metropolitan Municipality (EMM) adopted its Public Participation Policy (PPP), 2000 to encourage the participation of all residents in the local governance issues.

The study was conducted in Ward 64 of the Ekurhuleni Metropolitan Municipality to assess the effectiveness of the mechanisms and structures that were created by the EMM through its PPP to promote public participation in the region. Ward 64 is one of the wards that are inhabited by predominantly poverty-stricken communities in the EMM (Census 2001 cited by Community Agency for Social Enquiry (CASE), 2008). Therefore, this ward provided a perfect context to assess the effectiveness of the mechanisms introduced by the EMM to encourage public participation. As a result of poverty, unemployment and illiteracy associated with this area, government's intervention in the form of social relief programmes and other poverty alleviation measures remains the only hope of survival for many in the community of this ward (CASE, 2008). The study was originally conducted as a fulfilment of the requirement of the degree of Master of Management at the University of Witwatersrand in 2009-2010. Consequently, the study was limited in both time and scope.

There seems to be a serious problem in the relationship between the local government and the people on the ground as pointed out by the recent so-called service delivery



protests (Buccus, Hemson, Hicks & Piper, 2007: 4). This is evidenced by, inter alia, what Buccus (2010:1), when analysing the said protests against the local government sector in South Africa, termed the 'response to a crisis of local democracy (Public Service Commission (PSC), 2008; Buccus, Hemson, Hicks, & Piper, 2007:4; Alexander, 2010:28; Masiwa, 2007). Similar scenarios to the above raised a number of questions about the effectiveness of mechanisms and other participatory structures that were created to encourage public participation within the local government context, in this case, Ward 64 of the EMM.

2. The purpose of the study

The purpose of the study was to analyse, from the perspective of the community members, the effectiveness of the participative structures and mechanisms that are currently used by the EMM to encourage citizen participation in the local government affairs. The study was also expected to identify weaknesses in the current mechanisms by examining questions of access to, communication and representation in the participation structures (Hicks & Buccus, 2007:100). The PPP of the EMM proposed the following participative structures in a bid to encourage community participation:

- Council meetings, where members of the public are allowed to observe the proceedings without a speaking or voting right;
- People's forums/mayor's road shows, in which the mayoral committee visits the communities to hear their problems and concerns;
- Ward committees /public meetings, which are often called by the ward committees or the Ward councillor to give feedback to the people on previously raised concerns and to receive new concerns from them;
- Petitions, where a group of people, such as neighbours, organise themselves and submit their concerns to the Council in a memorandum signed by all the affected people;



- Project specific arrangements/forums, which is an ad hoc committee or forum constituted by the beneficiaries and or the interested parties of the proposed project, such as the housing project; and
- Participation in the integrated development planning (IDP) and budget formulation processes.

Due to the time constraint for the completion of this study, it was narrowed to focus on the two of the aforesaid participation mechanisms, namely, the council meetings and the public meetings, i.e. participation in the IDP and budget processes. The study was expected to shed light on the reasons for the perceived lack of interest by the EMM citizens to participate in local governance affairs. The paper sought to provide answers to the following research questions:

- Do the role players in local governance appreciate the functions of available participative structures of the EMM?
- Are the participative structures and mechanisms of the EMM sufficient to ensure effective and successful public participation?
- Are the communities adequately informed about the available participative structures?

These questions were explored within the context of the PPP of the EMM, and the abovementioned legislative framework. The research was conducted mainly within Ward 64 of the metropolitan area of the EMM, province of Gauteng, in South Africa, which comprises mostly of some poverty-stricken areas in the region.

3. Methodology

The research methodology employed in this study can be described in terms of the following: research approach, research design and data collection.



Research approach

Due to the nature of the problem under investigation, that is, the search for meaning to, and understanding of the process in the participatory mechanisms by the community members, a qualitative research approach was employed in this study (Merriam, 2002:2; Merriam, Courtenay & Baumgartner, 2003:174) This approach has been selected for its ability to help in understanding theoretical and policy issues surrounding the nature of public participation within the local government level. It was also useful in examining the participatory spaces that were created by the PPP and to get an in-depth knowledge and understanding of the perceptions and experiences of the community members with regard to such spaces of public participation in the affairs of the EMM.

Research design

The research methodology was based on the basic interpretative qualitative research. According to Merriam (2002:6) when conducting the basic interpretative qualitative study, the researcher is concerned mostly with how participants make meaning of a situation or phenomenon, in other words, the researcher seeks “to discover and understand a phenomenon, a process, the perspective and worldview of the people involved, or a combination of these.”

Essentially, this means that the research methodology was intended to get an understanding of the degree of effectiveness of the participatory structures and the experiences of the participants therein.

Data collection

Data gathering methods that were used to investigate the problem included primary and secondary methods.

Under primary method, semi-structured and unstructured interviews were used. Semi-



structured interviews were preferred for their ability to allow the researcher to ask certain questions in the same way, while also being able to adapt in order to accommodate the respondents. Unlike the structured interview which asks the same question from one interview to another, semi-structured interview allowed the researcher to probe further for more information, if necessary.

A semi-structured interview instrument was conducted with the following people:

One senior official who is in charge of the process of public participation;

The director of the Integrated Development Planning (IDP);

Four ward councillors from the different wards of the EMM were also interviewed separately;

Five diverse randomly selected community members from the ward. This group consisted of adult men and women as well as disabled people residing in the area.

One group-focused interview was conducted with four ward committee members, using unstructured interviews. This type of interview was preferred for its ability to allow freedom and flexibility to the researcher when asking questions. Using the unstructured interview tool, the research could ask questions in any order, and was able to probe further on the topics and questions. This method enabled the collection of a rich and detailed data about the problem. This was done by compiling a list of questions in a thematic form as topics for conversation with the participants in the focus groups.

Direct observations were also conducted whereby the researcher attended two ward committee meetings, two public meetings chaired by the ward councillor and attended by the Council officials, and one Council meeting. Direct observation was also conducted in one IDP and Budget community meeting. The advantage of direct observation is that it represents a first encounter with the phenomenon of interest (Merriam, 2002:13). Many approaches



- Secondary data was sourced in the following manner: Evaluation of the Public Participation Policy of the EMM and other relevant policy documents related to the creation and implementation of participatory structures;
- Evaluation of ward committee minutes, council minutes and IDP forum minutes; and
- Reading and reviewing materials that are relevant to the study such as national legislation, books, journal articles and internet articles, workshops and conference papers.

4. Discussion of key concepts: Public participation, democracy and the issue of effectiveness

Stiefel & Wolfe (1994) cited by Mogale (in Mhone & Edigheji, 2003: 220), posit that the present developmental local government is based on the recognition of primary linkage between development, service delivery and local public participation. The above forms a basis upon which a linkage between the said concepts of public participation and democracy and the effectiveness of the participatory structures are examined.

4.1 Public participation

The growth of the academic literature on public participation over the years (Webler & Tuler, 2002:179), has yielded an array of varying definitions of the concept of public participation (Rowe & Frewer, 2005:253). The following definitions of participation have been selected for this study due to their inclusiveness and all-encompassing approach to participation, as well as their relatedness to the study.

According to Brynard (in Bekker, 1996:41), participation refers to an activity that is undertaken by the individuals who were previously excluded from the decision-making process together with the previous protagonists in that process.

This definition is specifically relevant to the South African context where the majority of people were previously excluded from participating in the issues of governance.

Brynard (in Bekker, 1996: 41), further divides participation into two categories, which is the mere receiving of information by citizens from the authorities and sharing of power with the citizens in order to successfully reach final decisions. On this breath, participation can be viewed as a process that is broader than decision-making process because it should commence long prior to the decision in question, and extend beyond it as well (Johnson, 1984, in Bekker, 1996:41).

Public participation, on the other hand, is defined by the Skeffington Commission (1968:48) in Biyela (2006:11), as an act of sharing of information in the formulation of policies and proposals. It implies that there is a flow of information from the government to the public and from the public to the government. This definition assumes that the lines of communication are well established and well understood by both parties (Rowe & Frewer, 2005:224):

Flow of information

Public Communication:	→	Public Representative Sponsor
Public Consultation:	←	Public Representative Sponsor
Public Participation:	↔	Public Representative Sponsor

Figure 1: The three types of public engagement (Source: Rowe & Frewer, A Typology of Public Participation, 2005: 225).

It should be noted that in terms of Figure 1, a sponsor is regarded as anyone with a responsibility to organize and initiate a participation exercise, which is usually a government department responsible for public participation (Rowe & Frewer, 2005: 254).

Arnstein (1971:2) defines public participation as the redistribution of power. Accordingly, it enables the inclusion of the marginalized and disadvantaged members of the public into the political and economic activities. In other words, public participation provides



the previously disadvantaged with the power to shape their future. However, for the purpose of this study, the definition of public participation by Rowe and Frewer (2005: 253) was applied for its general and broad nature. According to these authors, public participation “is the practice of involving members of the public in the agenda-setting, decision-making, and policy formulation activities of organizations / institutions responsible for policy development” (Rowe & Frewer, 2005:253). This definition attempts to distinguish the process of participation from that of non-participation, a situation that is more closely associated with the traditional mode of governance whereby policy makers and academics always formulate policies without referring them to the public.

4.2 Democracy

Kabemba (2003: 2) asserts that public participation is arguably one of the key principles of democracy as only it is the true determinant of the nature of that democracy. This, as Kabemba asserts, is due to the fact that democracy revolves around the people and hence, the importance of public participation. As much as participation is necessary for development, it is also crucial for democracy and good governance (Kabemba, 2003: 2).

Looking at the above-mentioned legislations that were promulgated to promote the culture of public participation in the country's local governance, it can be argued that the new South African democratic government regards public participation as a cornerstone of democracy (Nyalunga, 2006). Arnstein (1971: 2) echoed the same sentiment that participation of the people in their own government is the cornerstone of democracy.

Democracy has been defined as “a form of government organised in accordance with the principles of popular sovereignty, political equality, popular consultation and majority rule” (Ranney (1971) in Bekker 1996: 52). A quick glance at this definition



reveals that it strives to meet requirements for the successful operation of democracy, as espoused by Marsden (in Crook & Jerve, 1991:31). These include: civil liberties, tolerance of others' opinions, and consensus on the structural principles of existing society (Marsden in Crook & Jerve, 1991:31). Popular sovereignty refers to the most important tenet of democracy, which is liberation. South African democracy came about as a result of a concerted struggle by various liberation and civil organizations against the oppressive state of apartheid. All parties to the struggle were united by one goal of obtaining equal civil liberties, equal political rights and the rule that respect the will of the majority.

In a nutshell, democracy is a means by which the ruled can have a say in the way they are ruled. To many, the only mechanism that can ensure direct involvement in local governance is public participation. This implies that public participation is one of the most important principles that can determine the nature and meaning of a democracy. As Sisk, Demichelis, and Ballington (2001), cited by Hicks and Buccus (2007: 98) put it, public participation is "intrinsic to the core meaning of democracy." Due to the above understanding, participation is often regarded as synonymous to democracy (Marsden in Crook & Jerve, 1991: 30). According to Mhone (in Mhone & Edigheji, 2003:18), good governance can only be promoted by ensuring that participation and consultation of the citizens on policy issues is taking place. He argued that the sure way of ensuring that the interests of the historically disadvantaged are taken into consideration when policies are made, is through ensuring their participation and contribution in policy-making processes (Mhone in Mhone & Edigheji, 2003: 18).

Another contentious factor to be considered when linking public participation and democracy in the South African context is the model of our democracy. South Africa has adopted the model of representative democracy, which is based on proportional



representation of political parties in the legislature. It is argued that representative democracy is the only means that comes closer to representing all the concerns of the citizens (Friedman, 2004, in Hicks & Buccus, 2007:98). In a representative democracy, the electorate elects their preferred representatives into government, to represent their needs and aspirations (<http://old www.parliament.gov.za/pls/portal30/docs>, Craythorne, 1997:97).

Critics of this purely representative model of democracy argue that participatory democracy is the only model of democracy that can offer every citizen the opportunity to be heard (Hicks & Buccus, 2007: 98). Even though participatory democracy is about participating in processes outside the structures of government institutions, some believed that only it can break the inequalities in participation, brought about by representative democracy (Mc Gee, Bazzar, Gaventa, Nierrass, Rai, Rocamora, Saule Jr., Williams and Zermeno (2003) cited by Hicks & Buccus, 2007:98).

4.3 The issue of effectiveness

Currently, the EMM just like the government at large, is focusing on the processes concerned with deepening democracy, which emphasizes the quality and depth of democracy. From the policies reviewed and the responses from the EMM councillors and officials, it appeared that the issue of the effectiveness of participatory structures, which is one of the terms of reference for this research, is currently being ignored. As a concern of this research, it is important to understand what is meant by the effectiveness of a participatory structure, which could also assist in determining whether the established participatory structures of the EMM are effective or not.

There have been many attempts to define the concept of effectiveness based on different contexts. Most definitions of effectiveness revolve around two main concepts. One such concept concerns fairness of the mechanism that is being used for participation, and



the second one is about competence or efficiency of the mechanism in achieving its objective (Rowe & Frewer, 2005:262). One Web definition likened effectiveness to the capacity to produce strong physiological or chemical effects, power to be effective or the quality to bring about an effect. Here, effectiveness is also defined as the capability of producing an intended result or having a striking effect (<http://www.wordnetweb.princeton.edu/perl/webwn>).

In other words, when a specific intervention is said to be effective, it is judged on the extent to which it is able to do what it is intended to do when used under ordinary circumstances (www.afrhealth.com/evidence/e.htm). The concept of effectiveness is also seen as a measure of the ability of a project to produce the intended effects or results that can be qualitatively measured. This can also be used to measure the quality of the accomplished objectives (<http://www.visitask.com/Index.asp>). According to Thompson (2008: 1), the degree to which participation results in a discerning effect on policy can be regarded as the measure of the degree to which participation is meaningful and effective.

The fairness of effectiveness can be measured in terms of such concepts as public acceptability, equity, democracy, representativeness, transparency and influence, amongst others (Rowe & Frewer, 2005:262). The concept of fairness is very crucial in gauging the effectiveness of a participatory structure or mechanism as it is based on the perception of the general public who participate in the engagement exercise (Rowe & Frewer, 2005: 262). This is because only the participants in the engagement exercise can tell whether the participation process has been conducted honestly and with commitment to collect the views of the affected community and to act on those views.

Parry and Moyser in Beetham (1994: 57) on the other hand, indicated that there are other two dimensions to the effectiveness of participation. Accordingly, one is concerned



with the extent to which the most active parties represent the needs of the majority of the inactive population. This dimension basically questions the representativeness of those who claim to represent others. This dimension is also concerned with the power play within the participation process, that is, the level of equality amongst the parties in engagement, as far as to whose voices are heard and heeded.

The said authors described the second dimension as that which concerns the degree to which elites appear to respond to, and favour the notion of citizen participation (Parry & Moyser in Beetham 1994: 57). This implies that without adequate support and commitment of participation measures by the powers that be, the process will never be effective. The above discussion enabled the researcher to assess the effectiveness of selected participative structures for this study.

5. Assessing the effectiveness of participatory mechanisms of the EMM

The degree of effectiveness of the EMM participatory mechanisms and structures can be best understood through the discussion of the findings of the study.

5.1 Findings and Discussion

Findings of the study will be discussed in terms of the following themes, which guided the process of collecting data:

5.1.1 Understanding public participation process and awareness of the structures of participation

The first question asked to the officials, councillors and the community members pertained to their understanding of the notion of public participation. It was interesting to find that most of the above interviewees agreed on the meaning of the concept; an understanding was that it is about involving the public in the affairs of the municipality. However, from the gathered data, it appeared that the EMM regards public participation

as a process of involving the public by means of consulting and informing them of their pre-determined policy decisions or intentions for future development; without really giving them relevant power to influence the proposed developments or policies (Arnstein, 1971).

This implied that in the EMM, public participation was only understood to mean the involvement of community in public meetings, instead of empowering them to contribute effectively in those meetings in order to exerting influence over the decisions that affect their lives. The EMM policy failed to define the levels in which participation may be allowed and encouraged in the stages of policy or decision making as espoused by Arnstein (1971)(Rowe & Frewer, 2005: 260). Involvement of the public may occur on various levels and in various degrees, a fact that has been ignored by the EMM Public Participation Policy, and thereby not well understood by the officials (Webler & Tuler, 2002:179).

Table 1 represents the results of responses to the question of understanding the concept of public participation:

Table 1: Responses to the Question of Understanding Public Participation

Respondents	Understanding	Not understanding	Total
Officials	2	0	2
Community members	2	3	5
Councillors	5	0	5
Total	9	3	12

5.1.2 Practice of public participation

On the question of the practical application of public participation policy in encouraging local communities to participate in governance issues, different answers were given by the interviewees, which in most cases were opposing each other.



In terms of the responses received on this question (Table 2) all the officials of the EMM indicated satisfaction with the way public participation was practiced by the EMM. The general feeling amongst the officials was that the community was not very co-operative when it comes to the participation issues. The officials overwhelmingly agreed that the attitude of the community towards public participation was the problem as they do not want to accommodate the EMM.

The researcher observed some ignorance of the main challenges to the effective participation from the responses of the officials interviewed, which exhibited some elements of denial in them. On the other hand two of the five councillors interviewed did not believe the EMM was practicing public participation as prescribed by the legislation. They believed that the Public Participation Policy of the EMM was merely there as a means of complying with the national legislation. The said councillors indicated that the PPP of the EMM was not practical to implement because it was based on the Acts of legislation that were also not practical to implement themselves (Interview, May 20, 2009). However, the other three councillors were very satisfied with the current public measures of the EMM, in that no changes or improvements thereon were necessary (Interviews, May 13 and May 14, 2009).

From the interviews with the community members, they made it clear that public participation was not practice according to the relevant legislation (see Table 2. for the responses). The community members felt that the process of public participation was not fair enough to as to afford the public opportunities to contribute as early as in the formulation of agenda up to the final decision. The fairness of public participation process, as described by Webler & Tuler (2002:182), was questionable in the practice of public participation by the officials of the EMM.

**Table 2: Response on the Practice of Public Participation**

Respondents	Practiced well	Not well practiced	Total
Officials	2	0	2
Community members	0	5	5
Councillors	3	2	5
Total	5	7	12

5.1.3 Adherence to legislative framework

On the question of adherence to legislation, all the EMM officials that were interviewed confirmed their adherence. This is because the policy of the EMM is based on the enabling legislation for public participation. However, the councillors were not in agreement when responding to this question. Three out five councillors, including Ward 64 councillor, believed that the EMM Public Participation Policy came into being as a way of complying with legislation. Consequently, the officials dealing with public participation are compelled to adhere to legislation by virtue of the fact that the EMM policy is based on the said legislation.

On the other hand, the other two councillors interviewed, argued that the officials pretend to adhere to legislation, while in reality they are not. These two councillors believed that public participation is only a show to the outside world that the EMM cares about engaging the residents on policy issues, while the community inputs during the public and the ward meetings are not really taken into consideration when decisions are made. (Interview, May 13, 2009).

The response of the focus group on the question of adherence to public participation legislation yielded a somewhat unclear answer. The feeling of the group was that the EMM is not doing enough in its attempts to adhere to the relevant legislation. Even though the group felt there was evidence of compliance from the EMM side,



the questions of timing and during the organizing of public participation initiatives also came up. Their argument concerns the fact that, if the EMM was complying with the legislation, which require, inter alia, that the public be afforded sufficient opportunity to participate in issues that affect their lives, why then the meetings were poorly organised (invitations are always late and times are awkward for the ordinary man to attend) (Interview, May 14, 2009). Table 3 below represents the response on the question of adherence to the legislation by the officials of the EMM.

Table 3: Response on Adherence to Legislation by the Emm Officials

Respondents	Adherence to legislation	Not adhering to legislation	Total	Total
Officials	2 2	0 0	2	
Focus group	4 4	1 0	5 4	
Councillors	3 3	2 2	5 5	
Total	10 9	2 2	12	11

5.1.4 Challenges to effective participation

In response to the question of challenges to effective participation, the councillors and the officials overwhelmingly identified similar issues, which they regard as major stumbling blocks to effective participation by the community of Ward 64. Lack of interest by the community to get involved on issues pertaining to local governance was amongst the issues mentioned by the interviewed councillors. The issues of time, venue and transportation to and from the meetings, were also cited as major obstacles to maximum participation in public meetings by all the community members, ward committee members and councillors interviewed. About 99.9% of the said participants declared that the time in which meetings are held is not always convenient to the majority of people in the community. Most meetings are held during the evenings when most people are on their way from daily work.



The alternative meetings are normally held on Sunday mornings, which is also problematic since most adults in Ward 64 attend church. This issue is aggravated by the inconvenient venues for the meetings (Interview, May 14, 2009). The challenge of the lack of transportation to the meetings was evident to the researcher during an attempt at observation of an all-inclusive IDP/Budget review evening meeting. This meeting did not take place due to poor attendance resulting from the lack of transportation means for the majority (Observation, May 5, 2009). Sure enough, attendance of the re-scheduled IDP/Budget review meeting, following the cancellation of the first poorly attended one, was more than satisfactory because transportation means was provided by the EMM.

During interviews, a ward committee member mentioned that some community members boycott public meetings because they felt that they are being used to ratify decisions taken elsewhere. Surely, in this case the community felt betrayed or conned to believe that they have greater influence on the decisions of the EMM, whereas they have only been co-opted to legitimize the decisions (Manor 2004, in Hicks & Buccus, 2007: 99).

Another challenge to effective public participation, also cited by the community members, councillors and ward committee members, related to communication channels used to invite the residents to the meetings. This included timeframes allowed between a notice for a meeting and the meeting itself and the extent covered in distributing the invites. Councillors and community members complained that, invitations to meeting were not always distributed in time and did not reach everyone within the ward (Interviews, May 9 & 13, 2009). For example, another reason cited for the postponement of the IDP/Budget review meeting mentioned above, was that, no prior written notices were



distributed around the area, and people were only called to the meeting by means of loud hailing, minutes before the meeting commences (Observation, May 5, 2009).

Another issue that was raised by the community members, as a stumbling block to their effective participation is the language usage by the officials of the EMM during meetings. All interviewed community members overwhelmingly agreed that the language used during the IDP or Budget meetings was too technical and very difficult for the man on the street to understand. As a result, peoples' contribution during such meetings was curtailed, and they become discouraged to attend meetings in future as their attendance seems worthless.

Even though the study was not entirely focused on the functioning of the ward committees, the interview with ward committee members did reveal that another challenge for this structure in encouraging effective participation is the lack of support from the EMM. The ward committee members interviewed argued that their efforts were sometimes ridiculed as they are not given the necessary recognition by the EMM officials, more especially when they present community needs to the EMM (Interview, May 14, 2009).

5.1.5 Community perception of public participation

There were mixed feelings as far as the community perception of public participation was concerned. For those members of the community who were actively involved with other community development structures (activists) and who seemed to understand public participation better, their perception of public participation was positive. To these people only minor improvements were needed to make the process and the participative structures more effective. They believed that the EMM was doing a great job in promoting public participation.



However, for those respondents that are not active in local community issues, and who did not understand the concept of public participation well at the beginning, their perception of public participation was negative. These members believed that the EMM was not committed to the development of Ward 64, and other similar wards. These community members exhibited a lack of faith in the ability of their Ward councillor and the EMM to resolve their long-outstanding service delivery issues, such as the provision of housing, water and sewerage system. Such were the two most conflicting attitudes towards the same phenomenon of public participation coming from members of the same community.

5.1.6 Observation

During the process of collecting data, observations were also conducted through attendance at various structures used by the EMM to encourage public participation. These included attending the Ward 64 public meeting, which was meant to report back to the community on the previously raised issues, and to obtain inputs or comments from the residents; attending the IDP/Budget review meeting, involving various wards of the Southern Delivery Region of the EMM; as well as attending the monthly Council meeting. The following observations were recorded per meeting.

Even though the Ward public meeting was conducted on a Sunday, according to the Ward Councillor, its attendance was satisfactory. The councillor attributed this partly to the fact that the venue was closer to the targeted community and the transport was available as the meeting was held in the morning, and that most people were not working. However, the researcher observed that the attendance was rather poor when compared to the number of households in the area as approximately hundred people were in attendance in that meeting. Although there was a conspicuous absence of youth in that meeting, the representation of adult males and females was balanced. It



was also interesting to note that there was a fair amount of opportunities to participate for all those in attendance; no one was prevented from contributing or asking questions.

Further observation in this meeting was the failure of the officials and ward committee members to separate politics from community affairs. The agenda of this meeting was somehow altered as one of the main speaker appeared to represent the ruling party, and began to talk about its policies and plans for the coming elections. Another meeting attended for observation purposes was the presentation of the IDP/Budget review to the communities of the southern region of the EMM. This meeting only succeeded to be held after the first one was called off due to the non-attendance of the communities concerned. Since the meeting was held during the evening and it involved communities from various wards, transportation was organised for those participants without their own, which enhanced the attendance. The local hall was filled to the brim. And this overwhelming attendance also showed that this time around, the organizing was done properly and everyone was aware of the meeting. It was observed that all sectors of the community were well represented in this meeting.

The process of the meeting also seemed to be free and fair to every attendee, as all people were allowed to ask questions after the presentation of the IDP/Budget. However, it appeared later that it was a bad idea to combine many wards into such a single, crucial meeting. As the question time came, all hell broke loose; the meeting was turned into a consultation, and initially it became very robust. However, as more hard questions were posed to the officials and councillors chairing the meeting, their patience with the turn of things started to run thinner and thinner. This went on and on to the point that the audience was totally uncontrollable, people were talking at the same time and the meeting just disbanded as the angry people were beginning to leave while the meeting was still on. Some interesting observation in this meeting was

the fact that people respond positively when they are invited in advance, and when transportation is made available.

The last observation was conducted at the monthly Council meeting as one of the structures of public participation in terms of the EMM PPP. It is worth mentioning here that Council meeting was ill conceived as a structure of public participation, as no interaction or engagement takes place between the Council and the public therein. The public is only allowed entry into the meeting for the purpose of observation only, without any speaking or voting rights. Due to the above observation, nothing much can be said about this structure except that no public participation takes place in Council meetings.

6. Conclusion and recommendations

6.1 Conclusion

Most experts and practitioners of public participation would agree that legal framework in South Africa is enabling. Consensus may also be reached amongst the experts and practitioners that the implementation of the said enabling legislation was the main problem in this country. The study concluded that, even after decades of democracy in South Africa, the public is still unable to influence the policies and decisions that affect their lives, as the majority is unaware of the available structures for them to participate.

The critical point of departure in the findings suggested that the main role players in local governance, namely, the officials of the EMM were not as effective as they should have been when it comes to the implementation of the PPP of the EMM. The EMM viewed public participation as a means of ratifying their pre-determined decisions and policies, and not as an effective way of engaging the community and learning about their real needs. Public participation as described by Rowe and Frewer (2005: 263) was not understood by the officials responsible for the implementation of the PPP of the EMM.



Consequently, the practice of public participation remains blurred and superficial in Ward 64 and at the EMM as a whole. As a result there was a general feeling of unhappiness with manner in which public participation was practiced by the EMM.

On the other hand, it was found that the understanding of the public participation amongst the community was lacking in clarity. There were different views as far as the concept meant to different people. As a result of the shortcomings of the EMM, the findings revealed, the residents of Ward 64 could not fully appreciate the importance of participation for their welfare, as they were not sufficiently informed and educated about it by the EMM officials. In other words, the EMM has failed to educate its residents about the policy and legislative framework that enforce public participation in the EMM. This problem is further compounded by the fact that some residents have lost interest in politics due to either internal political conflicts or mistrust for politicians. The findings further indicated that, whenever the community members were afforded an opportunity to take part, they were not empowered enough to have major influence on the final outcome of the proceedings.

The above was found to have rendered the participative structures ineffective and insufficient in fulfilling their mandates. The structures were found to be ineffective in the sense that they were not fair and empowering to the participating community members in the manner that was postulated by Rowe and Frewer (2005: 262), and Arnstein (1971: 3). The participation mechanisms employed by the EMM were also found to be lacking in terms of the necessary conditions of participation which Webler & Tuler (2002: 183) listed as opportunities. The aforesaid participation opportunities were not found in the participation structures and processes of the EMM. For example, by not informing the relevant community, within a sufficient period of time, about the

participation initiatives and not empowering them thereafter to have more meaningful inputs and influence in the final decisions taken, the participative mechanisms were rendered ineffective and unfair.

6.2 Recommendations

In order to address the above-mentioned challenges, it is recommended that the EMM provide more exposure on matters pertaining to the application of public participation to its officials. This can be done either through training and development initiatives, workshop or through in-house training. This requires training that would go deeper than the current superficial understanding of participation as a means of ratifying decisions and obtaining community buy-in to the predetermined policies (co-optation).

It is recommended that the EMM provides public education and workshops to the community as well. Such education must also encompass the provision of information on various legislations that enforce public participation and PPP of the EMM. On the issue of publicizing meetings and other participative opportunities, the Marketing and Communication Department of the EMM must be involved in devising and implementing strategies to inform the public of meetings or any participation initiative.

The legislative authority of the EMM should develop a mechanism (policy) that will ensure that community inputs and concerns are reflected in its final decisions, policies, the IDP and the budget. This will entail revision of the current policy in order to provide for the empowerment of the public as well.

It is recommended further that, in order to improve on the commitment of its officials, the EMM introduce and implement a performance and monitoring system for this purpose. Furthermore, the EMM as well as the local government sector as a whole, should consider undertaking the impact assessment studies to determine the effectiveness



and sufficiency of their practices on a regular basis. To avoid confusion, unnecessary misunderstandings, waste of time and money; the local government legislative body should consider developing a framework of public participation, which will include the selection and qualifying of the relevant audience/participants per initiative.

Since it would be practically impossible to open debates in the Council meetings, it is recommended that the Council meetings be removed from the list of participatory structures as it was misleading to the general public.



Participants at the Gauteng Provincial Legislature – Children's Parliament



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The City Of Johannesburg Petitions System Experiences

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Abstract

Public participation strategies in governance processes are critical in ensuring responsive, transparent and accountable government administration through all the three spheres of government. Such strategies are more essential at the coalface of service delivery, which is at local government. Current status in public participation points to skewed power relations within the spheres of government and the community and such a situation requires synergies through the three spheres of government to achieve uniformity in the execution of the public participation processes.

The current tools available to implement, monitor and evaluate public participation and petitions management/administration require a radical rethink as they do not complement each other through the three spheres of government. The piloting of the separation of powers governance model in the City of Johannesburg Metropolitan Municipality and terms of reference for the Petitions and Public Participation Committee in Johannesburg impacts in a particular way in the process of Public Participation and should be closely examined.

Introduction

The Paper seeks to address the current City of Johannesburg Petitions System and its location within the three spheres of government as a tool for public participation. The City's piloting with separation of powers and how this impacts on one of the components of public participation in the form of petitions will be briefly examined. The core values for Public Participation according to the International Association of Public



Participation are:

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the participation of decision-making process.
- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of participants including decision makers.
- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation seeks input from participants in designing how they participate
- Public participation is the backbone of the tenet of deepening democracy.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision.

In the Draft National Policy Framework for Public Participation (2005), public participation is defined as an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making. It is further defined as a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives (government for the people by the people).

The notion of public participation in all spheres of government is embedded in the South African Constitution. Chapter 2:7 -39 of the Constitution includes a Bill of Rights including equality, human dignity, freedoms, environment, as well as rights to housing, health care, food, water, social security, education, access to information (issues raised



in majority of petitions received by local government). In terms of the roles of national, provincial and local spheres of government the Constitution states:

“Section 151 (1) (e) – obliges municipalities to encourage the involvement of communities and community organizations in local government.

Section 152 – the Objects of local government (are) to encourage the involvement of communities and community organizations in the matters of local government.

Section 195 (e) – in terms of basic values and principles governing public administration –people’s needs must be responded to, and the public must be encouraged to participate in policy-making”

The Municipal Systems Act 2000 defines “the legal nature of a municipality as including the local community within the municipal area, working in partnerships with the municipality’s political and administrative structures....to provide for community participation

Section 4 (c) (e) the council has the duty to....

- (c) encourage the involvement of the local community
- (d) consult the community about the level quality, range and impact of municipal services provided by the municipality, either directly or through another service provider

Problem Statement

The current public participation regulations enshrined in the Constitution enjoins all the three spheres of government to factor in consultative processes when dealing with issues of public interest. The current institutional arrangements, in terms of the public participation processes, through the three spheres of government, points to “malicious compliance” and therefore to be in line to stipulations of the Constitution requiring all three spheres to engage in public participation in all decision-making processes. The



petitions system within the three spheres of government is disjointed and is a matter that requires a great deal of attention. The two houses of Parliament’s current petitions management provisions leave the other two spheres operating in an uncoordinated way with little synergies and just informal cooperation between the spheres.

The City of Johannesburg has been implementing a petitions process as part of the separation of powers model through its Petitions and Public Participation Committee. The Committee has made notable progress in this implementation. However, there have been some challenges as well. Some of the issues that have emerged as key challenges for the petitions process in, local government include;

- Lack of knowledge about the content and provisions of the Provincial Petitions Act by local governments.
- Lack of sound escalation and referral of petitions response and delays within the local government environment.
- Lack of clear communication lines between Provincial Legislature and local government in dealing with petitions.
- Ambiguous protocol issues relating to the petitions process.
- Lack of systems and procedures in some municipalities to deal with petitions.

Public Participation Perspective

Until only recently, many indicators suggest that levels of civic engagement civic participation and civic trust declined during the last two decades of the 20th century. The decline in participation and trust revolved, in part, around the issues of programmatic and individual performance as well as the accountability of decision makers and individuals. It will no longer be sufficient for public officials and local governments to demonstrate efficiency (doing more for less) and sound business principles. They must go further to demonstrate their accountability for the appropriate, proper and intended use of resources.



In most instances, citizens are relegated to voting or other forms of participation such as public hearings, forums, petitions, protests, and service on volunteer boards (e.g. hospital boards); commissions or similar types of activities. Thus, the role of the citizen as an engaged partner in the governing process has been supplanted by governing through positional and organizational leaders who are bound by rules, procedures, and traditions that leaves governing to the “experts.” (Gibson and Lacy, 2002). Citizens play a secondary role in setting agendas, developing budgets, implementing programmes, or evaluating outcomes.

More often than not, citizens have only minimal information about details public's business except in an episodic manner often caused of by some news story that focuses national, provincial, or local attention on an issue. The result in the eyes of citizens is that a wide gulf exists between the expectations associated with democratic theory and the practice of democracy in community governance. Many community and public leaders as well as public officials are beginning to realize that public participation is important in an environment where the citizens have a diminished trust in government and are demanding more accountability from public officials (Parr and Gates, 1989)

Chrislip and Larson (1994) contend that the push for reform is a response to demands from citizens for an authentic role in improving their communities. Created by frustration with status quo, citizens begin to collaborate because there are significant obstacles or barriers to change that civic and political leadership that is continually failing them.

A study by the Kettering Foundation (1989) indicated that public administrators want relationships with citizens but found that they create delays and increase red tape. In turn, citizens felt that when their input is sought, it was rarely used to make administrative decisions. Some citizens felt that their concerns would be heard only if they organized into activist groups. So, most of the spontaneous public protests the



City of Johannesburg experiences now and again are not an accident but happen precisely because citizens feel their grievances go unheeded. What is encouraging though, is that, administrators, elected officials, and community leaders have found that institutionalized neighborhood participation in the policy processes results in a more informed, effective and participatory citizenry (Berry, Portney and Thompson; 1993).

The first change in the new way of doing things must occur at the conceptual level where the public's business is the public's business. Communities should be actively encouraged to participate, invited into the processes, and fully armed with the knowledge and information to make participation meaningful. Citizens will help define community goals, develop agendas, develop strategic initiatives, participate in, and review implementation procedures, actively participate in the measurement of progress, and in assessing impacts of programmes.

It is heartening to note that recently however, governments have extended their accountability focus to include concern for long-term management issues and public sector performance (Andrews, 2001, 10). Durandt contends that accountability must be built into the entire programme structure (1999). Kearns (1996,9), however, offers a more useful interpretation of accountability and performance: the term accountability generally refers to a broad spectrum of public expectations dealing with organizational performance, responsiveness, and even morality of government and non-profit organizations. These expectations often include implicit performance criteria – related to obligations and responsibilities – that are subjectively interpreted and sometimes even contradictory.

Behn (2001) broadens the definition of accountability not only financial accountability and added accountability for personal probity which requires incorporation of citizens interests into the accountability framework. This, Shivers calls “active accountability”

and further explains that: Administrative legitimacy requires active accountability to citizens from whom the ends of government derive.” The legitimate administrative state, in other words, is one inhabited by active citizens. Leaders must find ways to engage all citizens by developing better and more frequent use of old tools such as surveys, advisory committees, performance review committees and community forums to make participation more meaningful. The development of electronic communication and instant messaging hold great promise for the future if developed properly.

Schacher (1997) challenges us (communities/citizens) to view ourselves as owners of government, and not mere customers of public services. Box (1998) advocates a citizen governance model of conducting the public’s business. King and Stivers (1998) advance a model related to Box’s also placing citizens at the centre of the governing process playing an authentic role in policy formation. Chrislip and Larson (1994) advocate a fundamental orientation to public policy setting built on a collaborative relationship between citizens, elected public officials and public managers. At the heart of this discussion is an examination of the relationship between citizens elected and public managers.

Many communities are involved in some forms of community engagement processes that involve residents in various aspects of the governance process. Virtually every local government is either required or empowered to appoint advisory committee (e.g. ward committees). These citizen committees are most often appointed/ elected in specific sectors to provide advice on specific issues such as planning, zoning, recreation, transportation, economic development, and sometimes on budget and finance. In any governance process in which community planning is combined with benchmarking and performance monitoring a vital link for reconnecting citizens is realizable through participatory process. It is contended therefore that these measures must be developed



through negotiated processes where community residents are actively engaged to define desired outcomes, expected accomplishments and acceptable results.

Communities and governmental organizations that engage residents and partner with them in all aspects of programming and policy making to define performance standards and measures of success will enhance, in very significant ways, public perception of accountability.

Morse (1996,2) goes on further to suggest that we need to build new patterns of civic interaction. She believes that there are capacities that exist in every community that hold strong potential for building new patterns of interaction that can renew our sense of responsibility and commitment to each other. As Rosener (1978, 462) observes, mandating participation does not provide the assurance that quality participation will occur. The expended concept of public participation must permeate the entire governance processes. Important civic skills identified must be utilized e.g. group formation and dynamics; problem-solving orientation in group processes; active listening; willingness to accept differing views and a mindset that recognises that public decision-making is messy and often contentious.

Petitions are a critical component of public participation process and reflect the perception of those affected by governance structures. They assist to identify issues that may have not been included in the governance structures or are insufficiently addressed in programmes implementation. As part of public participation process petitions can be used to address service delivery problems and therefore assist elected public representatives in taking into account public views for well-informed decision making. As a tool for public participation petitions help to identify “policy gaps” thereby enhancing interaction between public representatives and their constituencies



Petitions can be a good barometer to assess and evaluate policy implementation because the public's displeasure with particular aspects of governance will indicate as to whether government is on the right track and if not, what are the issues that need special attention –this is public participation in action as the views of the public informs decision-making processes. As soon as grievances by members of the public in the form of individual petition or group petitions are factored into governance decisions then effective public participation has taken place. Petitions are an integral and embodiment of effective public participation processes and should be built into governance decisions, should be promoted through encouraging members of the public to use them and be made part of the civic education programmes. Disruptive and at times violent public protests can easily be replaced by petitioning if the system is effectively utilized.

Petitions Process – The United Kingdom Experience (International Perspective)

The right of an individual to petition those in authority has been a facet of democratic and pre-democratic politics for centuries. It existed in Westminster as an extension of the right to petition the monarch recognized in the Magna Carta and in the Bill of Rights of 1688. However, this very traditional mechanism through which individuals sought to raise their grievances with governing bodies fell into disuse or perhaps even misuse within UK politics in recent times. Petitions, even those containing thousands of signatures, were deposited in the big bag behind the Speaker's chairing the Commons and effectively forgotten another of perceived remoteness and lack of connection to ordinary citizens.

The proposal for a formal public petitions procedure was therefore part of a much wider debate about linking the Scottish Parliament to the people. After the devolved elections of May 1999, the new parliament was established with a permanent Public Petitions



Committee and it quickly designed mechanisms for lodging and processing petitions. The petitions are solely directed towards Ministers and departments who respond on their own timescale without any monitoring of the process by parliament. Ministers are under no obligation to respond to petitions at all and thus can ignore the petition completely. The Public Petitions Committee is responsible for determining whether petitions are admissible but the criteria for admissibility are limited to format, language and the responsibility of parliament itself. The rules of admissibility require that petitions must include the name and address of the petitioner, and the names and addresses of other supporters of the petition, the petition must be written in English. Initially, the committee received hand-written petitions which indecipherable and so the committee ruled that petitions had to be typed. On A4 paper and signed. With the assistance and of the Napier University's Centre on Tele-democracy, the committee developed a means to receive electronic petitions though not suitable for large petitions with multiple signatories. The Public Petitions Committee has a limited number of routes open to it to deal with petitions, though it must consider all petitions it receives. The committee has six options to it when dealing with petitions:

- It can take no further action – but must inform the petitioner of this.
- It can forward the petition to the relevant parliamentary committee or other institution like Parliamentary Corporate Body.
- It can forward the petition to anybody outside parliament such as the local authorities, etc.
- It can recommend to Parliamentary Bureau that a petition be debated at a meeting of the parliament.
- It can invite petitioners to appear before the committee or provide additional information on the petition.
- It can take any other action it considers appropriate.



From 2001 onwards, each meeting of the Public Petitions Committee involves a brief discussion of admissible petitions. And if the committee agrees the petition is inadmissible, that fact is communicated to the petitioner. The Petitions Systems of Royal Borough Of Kingston (RBK) and the Bristol City Council is based on the Scottish Public Petitions Model including the e-Petitions. The City of Johannesburg Petitions Process benchmarked itself with best practice from the UK despite challenges unique to it as will be explained.

The City Of Johannesburg Petitions Process

The Petitions and Public Participation Committee (PPPC) finds its terms of reference in the City of Johannesburg Metropolitan Municipality's Petitions Policy. It also aims to pursue Chapter 4 of the Municipal Systems Act 32 of 2000, that calls for municipalities to develop a culture of municipal governance that works hand-in-hand with formal representative government (that is, elected leaders) and a system of participatory governance (incorporating strong community participation)

Under its terms of reference the PPPC has the following powers of binding decision making:

- The power to determine the Council's response to each petition.
- The power to directly respond to the petitioners.
- The power to direct and instruct for further investigations regarding the petitions and/or public participation activities.
- The power to route the petition and/or attend to the petitions in any other responsible manner.
- The power to subpoena any person to attend a Committee meeting and answer question relating to any petition, and any aspect of public participation which such person is involved in (this power remains relative).
- The power to determine an appropriate method of reporting the outcome of the



- petitions to the petitioners and/or community and to oversee such reporting back,
- To provide information and knowledge to the public on how to interact with Council in an open, transparent and productive manner.

The Committee's mandate is to foster participatory governance, and encourage citizens to realize their constitutional rights and obligations through the Petitions Policy –to enhance synergies between representative and participatory forms of democracy, In addition , the committee has the responsibility to manage the petitions process in a manner that contributes to (1) the stability of democracy (2) orderly resolution of citizens grievances by the local government and the realization of constitutional rights (3) standing rules.

One of the key objectives of the Committee is to popularize the petitions process as a tool for addressing citizens' grievances, as an alternative for citizens instead of resorting to disruptive and sometimes violent service delivery marches to express dissatisfaction with governing structures.

All the petitions received by the Committee are referred to affected Municipal departments and State-owned-Companies (SoCs) e.g. Johannesburg Property Company (JPC); Johannesburg Water, etc. All petitions are referred via the office of Members of Mayoral Committee (MMCs) to ensure political oversight and proper accountability by Executive Directors and Managing Directors of Municipal Entities. The PPPC does not oversee the day to day functioning of the different Departments and SoCs – something that makes it extremely difficult to exercise authority over them in responding to petitions, regardless of this the Committee is very vigilant of responses expected from where petitions have been referred.

To ensure that Departments and SoCs comply and respond to petitions referred to them and each has been required to appoint an official to strictly deal with petitions

referred to them. This has been done to ensure proper accountability through working continuously with one dedicated official from each department/entity. The work of the Committee extends beyond the confines of Municipal operations as there are other stakeholders who contribute to its work. For instance for all the petitions to be responded to by Provincial Government Departments the Committee work closely with the Gauteng Provincial Legislature Standing Committee on Petitions.

Other main stakeholders include Eskom, which supply electricity to a number of parts of the City of Johannesburg and has many grievances lodged against it. In order for Eskom to resolve matters raised by citizens of the City, cordial relations and cooperation with it is very essential. As part of working closely with the petitioners the PPPC has improved the interaction with petitioners through round-table meetings where Departments are invited to sit around the table and update residents on how far they were in resolving matters referred to them.

This has been a very successful means of speedily resolving the petitions lodged with the City. The Committee has seen a steady increase of petitions lodged with the City which can only suggest that the Petitions Process is becoming a preferred way of raising grievances with the City. Just as an illustration of the importance of the Petitions Process the following figures indicate how many petitions have been received and dealt with since the system grew more especially from 2007. The Committee has received, administered and adjudicated on all of the following number of petitions referred to the PPPC:

• 2007 – 2008:	154
• 2008 – 2009:	196
• 2009 – 2010:	285
• 2010 -2011:	342
• 2011 -2012 :	105



From the above figures it is quite evident that the City's Petitions System is maturing and more and more people are beginning to use it. It should also be mentioned that the system has assisted to avert many possible public protests whilst at planning stages through the now regularly utilized round-table discussions with the petitioners. In case where petitioners cannot achieve what they hoped for through a petition, pro bono work with the assistance of the PPPC and affected business units to pursue different avenues to deal with their matter is pursued. This could be referred to as an after-care programme for dissatisfied petitioners and has also added to the Civic Education for citizens who had petitioned the City.

One of the key functions of the PPPC is undertaking petitions oversight visits to verify and see for themselves issues raised in petitions. Such oversight afford the petitioners an opportunity to directly interact with the City's Departments and Municipal Entities as part of cooperative governance because departments end up working directly with communities after oversight visits. The PPPC has also reinforced work with the City's various business units and departments to address and eliminate all the backlogs on petitions submitted. The cooperation has resulted in a semi-formal structure referred to as the Petitions Technical Task Team that meet once a week to update progress made on petitions referred to their units. The approach has greatly assisted in reducing the backlogs. The PPPC functions under the pilot project of separation of powers at local government level.

The City of Johannesburg was identified to pilot the feasibility of separation of powers and this brought with it all sorts problems. Currently there is no enabling regulations or legislation to give effect to the separation of powers. Despite lack of enabling legislation the separation of powers has progressed well and other municipalities are beginning to pilot. In fact enabling legislation prompted by the success of the Johannesburg Model



is mooted and it is hoped it is only a matter of time before it is enacted.

Critical assessment of petition managements in the City of Johannesburg points to a system that is continuously improving although some challenges are still evident. The PPPC has improved the referral system with Members of Mayoral Committee (MMCs) as political heads of departments and SoCs playing a critical oversight on responses to petitions affecting their portfolios. Round-tables discussions/meetings have become a critical feature of consultation with the petitioners. These meetings have inspired confidence in the citizens of Johannesburg that the City is listening to their grievances. Although done manually, the administration and archiving of the petitions is excellent and all petitions received are accounted for.

Challenges to the Joburg Petitions System

The PPPC responsibility covers a number of key areas of public participation i.e. community dialogue; civic education; ward governance (ward committees) and petitions. There is poor coordination and a lack of synergy between the City's petitions process with its departments, the State-owned-Companies (SoCs). This problem relates to common understanding of how to process petitions and produce reports for the petitioners. The PPPC in Johannesburg has suggested that a mechanism that will allow the City's Departments and SoCs to effectively and efficiently respond to the petitions as referred by the Committee be established. This suggestion emerged out of the slow or poor responses observed by the PPPC. These slow and poor responses contributed to weak resolutions being provided to petitions.

The City of Johannesburg Legislature operates ten portfolio Committees that mirror portfolios in the executive. The key mandate of these portfolios is to exercise oversight over programmes delivery by the Mayoral Committee, Departments and MOEs. In exercising its responsibilities the PPPC observed that there was limited interaction



between the PPPC and other Section 79 Committees in relation to petitions relating to the area of work relevant to a particular committee. This effectively removed Council's ability to exercise oversight over the resolutions of identified petitions which, it is suggested is the responsibility of relevant portfolio committees.

Petitions referred to Provincial Departments through the Gauteng Provincial Legislature's Petitions Standing Committee (PSC) are beginning to be resolved although at a very slow pace and this make the decisions of PPPC difficult, the same PSC is always eager to subpoena municipalities (using the Petitions Act that give them a muscle to prevail on local government) to account. There is an unequal power balance that needs to be sorted out by legislation to force Provincial Government to equally respond to petitions municipalities lodges with it, so that inter-governmental relations are enhanced through good and fair cooperative governance. The current relations between the City Of Johannesburg and the PSC inspire less confidence that we function as equals and partners, each with a particular mandate that must be respected.

Other key stakeholders include National State-owned-Companies like Eskom, Telkom and big business like MTN' Vodacom, who through the installation of their infrastructure affect (at times) certain aspects of the lives of ordinary citizens inadvertently but usually drag their feet when requested to attend to grievances levelled against them by the communities.

Another critical challenge is around the City's current manual processing of petitions which seriously delay the processing of petitions and is subject some mistakes by the administration. The system delays the tracking of petitions by its very nature of being manual and alternatives should be investigated. The City of Joburg has studied submission of petitions electronically both locally and internationally and has prepared a project proposal for the roll-out of e-Petitions System which could be linked to

the provincial and national spheres. Such a system could be introduced to all local government structures for ease of management of petitions.

The fact that National Parliament has two committees both dealing with petitions for different reasons; that provinces have each its own Petitions Act and municipalities where possible, have formed own Petitions Policies in order to administer and adjudicate petitions is a conundrum that must be sorted out so that there is a uniform approach to the management of petitions through all the three spheres of government. The City of Johannesburg believes a National Petitions Act should be promulgated to normalize relations within the three spheres of government.

Conclusion and Recommendations

In addition to the current initiatives and other methods used by the public for their voices to be heard the petition process could be used as an effective tool to promote public participation through all the three spheres of government. This would assist in making the governance processes more accessible while there will be built-in monitoring mechanisms to ensure that the relevant parties co-operate with the necessary processes for effective and efficient promotion and/or facilitation of public participation. It is therefore not unreasonable to call for the formulation and implementation of a National Petitions Act. It is City of Johannesburg's held view that this Petitions Act will enhance the relationships including addressing the power relations of the community and government.

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Developing IDPs through Public Participation within Local Government in Limpopo Province

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Abstract

The local government, in particular local municipalities, is the point of service delivery and closer to the general public. In the formulation of integrated development plan (IDP), the municipalities have a constitutional mandate to involve the public. The paper examines the nature, structure and content of public participation as a political process to solicit popular opinion in order to influence government policy formulation and prioritised service delivery. An acknowledgement is, however, made to the fact that public participation is dynamically having contradictions in terms of power relations and operations.

This paper argues that the public participation process within the context of local municipality is relatively not exhaustive of the general key stakeholders, ordinary men and women in the streets, who should be giving content and direction to IDP issues. In developing this argument, unstructured interviews were conducted, and documents relating to policy formulation and implementation with special reference to IDP were analysed. Three local municipalities in Limpopo Province were identified as study sites for this project. The paper concludes that though the outcomes of public participation process are based on popular and majority opinion, there is a need to educate the general populace about the processes of public participation.

Introduction

In a democratic country such as South Africa, public participation in local government and administration is considered a basic democratic right of the people. It is perceived



as integral part of local democracy and local governance. It is through the principle of public participation in local government that the communities are brought closer to government with the expectation of improving and accelerating service delivery. By and large it is through public participation process that the citizens are given an opportunity to provide input into critical decisions-making about service delivery and policy decision on governance of a municipality.

Given this, community involvement through public participation programmes ensures that local sphere of government incorporates developmental needs of people. Those developmental needs of community are expressed and consolidated in the integrated development plan (IDP) of a local municipality. In this way the local municipality, as the voice of the people, plays a pivotal role in delivering critical basic services such as water; electricity; health and sanitation; education; and roads to the citizenry. Mubangisi (2010: 148 cited in Todes, Sithole and Williason 2007: 1) describes this kind of functional relationship between community and local municipality as “hands and feet of government”.

This paper examines the nature, methods, structures and the content of public participation as a political process to solicit community inputs, which find expression in IDPs, for better governance. The purpose of the study is to develop an understanding of the extent to which IDPs in the local municipalities selected for this study incorporate the needs of their communities; and how participatory democracy relates to the notion of ‘the people shall govern’ and also to accountability and transparency of a local municipality. Three municipalities in Limpopo Province of South Africa were used as sites of this study.

Concept Clarification and Literature Review

In order to develop common understanding of the contextual use of concepts the following



concepts are explained and defined concurrent with literature review related to them:

- Integrated development plan (IDP); and
- Public participation.

Integrated development plan (IDP) and public participation are linked; one is a process and the other is a product, however, they are separable.

Integrated development plan (IDP)

An integrated development plan (IDP) can be seen as a statement of a municipality aimed at aligning and integrating sectoral developmental strategies and needs, in order to support the optimal allocation of resources between sectors and geographic areas and across the population in a manner that facilitates and promotes sustainable growth, and development.

Therefore, an IDP may also be regarded as a strategic business plan for the municipality through which it aims to fulfil its developmental and constitutional mandate in relation to service delivery in line with all relevant and applicable legislation. This definition is in tandem with the definition provided in the Municipal Systems Act (2000) whereby IDP is viewed as the principal strategic planning instrument through which all municipal planning, development and decisions are guided and informed. Gueli, Liebenberg and van Huyssteen (2007: 103) are of the view that the review of IDPs is an annual exercise in accordance with the national planning and the budgetary processes, and it is further evaluated every five years to understand their real impact on the ground. On the other hand Tshandu (2010: 9) maintains that the primary purpose of an IDP is as thus:

- To enable a municipality to align its financial and institutional resources behind agreed policy objectives and programs.
- It is a vital tool to ensure the integration of local government activities with development and growth strategies of other spheres of government.



- It serves as a basis for engagement between local government and the general public at the local level.
- It enables a municipality to weigh up its obligations and systematically prioritise programs and resource allocations.

Therefore, in this paper IDP is defined as a municipal business plan that integrates all developmental needs of the communities structured and prioritised for a period of five years, but reviewed annually through public participation processes.

Public participation

The other concept that needs attention is public participation. The concept of public participation is extensively debated. This is the most contestable concept in literature about participatory democracy. In the discussion of public participation concepts such as: the people; participatory democracy; rule of the people; and people's power, appear frequently.

In the review of literature on public participation, it has been realised that participation can take various forms depending on various contexts that it can be used for. Some of these techniques include focus groups, print publications, workshops, etc., while some are emerging techniques like open space technology, policy dialogue, and a suit of electronic methods like e-participation (cf. Smith, *ibid*: 41) Political participation, citizens' participation, community participation and public participation are some concepts that are identified with service in the local sphere of government.

The definition and conceptualisation of the role, function and importance of public participation vary from society to society and political system to political system. Hence Sampson and Ile (2010:129-130) make a point that public participation and citizen involvement in decision making in most democracies can be traced as far as back as Plato's Republic. Plato's concepts of freedom of speech, assembly, voting and equal



representation have evolved through the years to form basic pillars upon which many democracies were established.

Participation as defined by Brynard (2009) is a means (for local authorities) of obtaining information about local conditions, needs, desires and attitudes. This information may be important to achieve informed and implementable decisions in the policy management (Brynard, 2009 cited from Bryson 1993: 3). Furthermore, inherent in the debate about participatory democracy, is the notion of: people shall govern, of the ANC Freedom Charter of 1955. Thus, the concept of the “people” upon which the Freedom Charter’s provision of “people shall govern” is central, and raises the ever asked question: who are the people?

Bylund (2006) argues that ‘the people’ is a hotly debated concept in participatory democracy for the purpose of decision making. The definition of the people excludes the majority of those who are known to be the people. As a result the definition puts the voting age as a criterion (such as 18 years). Therefore, “the people shall govern” implies that those who fall above the age of 18 years are eligible to vote themselves into political and government structures to govern themselves. On the other hand, those of the age of 17 years to zero are illegible to vote hence excluded from the definition of the people. Consequently, the people are able to participate in political and governance or administrative structures of government to influence decisions and policy direction.

A further implication is the authentication of the power of the vote to award the voted representatives the executive and legislative powers in ruling over matters that affect the lives of the citizens. The paper argues that in fact the lives of the people include everyone irrespective of legibility to vote or not. It is because of this sheer fact that after every national, provincial and local government elections winning party talks of



the “people have spoken” because of their participation in the election processes. The assumption is that the majority of registered voters have voted them and this majority is claimed to be the people (www.zambian-voice.blogspot.com/2011/09/people-have-spoken.html).

In democratic governance system, communities within the state are viewed as the owners of government. Friedman (2011: 59) concurs that in principle government is always the servant and the citizenry is the master. Friedman (ibid) however cautions that no society has ever achieved a state in which everyone participate equally in all decisions on which they have a view and none ever will, but progress towards this goal is the standard by which we measure the quality of democracy. We argue that the quality and effectiveness of local governments are directly related to the degree to which there are pressures forcing them to account to a broader range of society.

For the purpose of discussion, this paper adopts a widely held definition of public participation which refers to a process that entails involvement of people or community or public to collect opinions, needs, desires and wishes existent in the local community and further to ensure that the people or public are also involved in decision-making in the governance of the local municipality. This view is also shared by Smith (2003: 5); Brynard cited from Bryson (1993: 3); and Sampson and Ile (2010: 129-130).

Legal Framework in Regulating IDPs and Public Participation

The IDP makes it essential for communities to identify developmental priorities for themselves. And this is how democracy gets enhanced and consolidated. The legislative framework governing the development of integrated development planning within the system of local government includes the Constitution of the Republic of South Africa (1996), the Municipal Systems Act (2000), and the Municipal Structures Act (1998). Section 152 (1) (e) of the Constitution mandates municipalities to encourage

the participation of local communities and their organisations in local government development matters.

In line with the Constitution and other legislature, the White Paper on Local Government (1998) further mandates municipalities to involve communities in facilitating local development. This policy recognises that public participation or community participation is an integral part of local democracy and it is a legislative requirement for local communities to be drawn into the process through the IDP, budgeting, performance management and ward committees.

Of course, the above legislations are the pieces of legislation which provide a broad framework for public participation in local government. An integrated developmental plan (IDP) is essentially a municipal service delivery plan based on community needs collected primarily through public participation programmes as directed by the provisions of Municipal Systems Act (Act No. 32 of 2000 Sections 5(1)(a)(i); 16(1)(a)(i); and 17(2)(d) (e). It must be noted that a municipality is charged with the responsibility of providing basic humanitarian services such as water, electricity, roads, health and sanitary facilities, education and any other developmental need experienced by the community under its jurisdiction (Section 152 (1) of The Constitution of RSA, Act 108 of 1996; Section 19(1) and (2) of the Municipal Structures Act of 1998).

Methodology

In this study qualitative research methodology was adopted, of course dependent on the purpose and nature of this study. The purpose of the project determines the type of a qualitative framework to analyse qualitative data. Different techniques that are often interconnected, overlapping and complementary but mutually exclusive are applied in analysing qualitative data (Coffey and Atkin 1996: 14). In the process of analysing data, data was coded in order to develop themes, categories, concepts and establish



patterns (Ertmer, 1997:158). According to Ryan and Bernard (2000: 780) identification of themes is continuous with the process of data collection and analysis and is also coherently linked with literature review, investigators' experience about the subject matter under investigation.

The case study focused on two local and one district municipalities in Limpopo Province which are Molemole, Makhuduthamaga and Sekhukhune District. These municipalities are very rural and mainly under the guardianship/ ownership of traditional leadership (the magoši). In these municipalities there is it is high unemployment rate resulting in relatively high poverty levels.

Unstructured interviews with IDP Managers and Public Participation Officers were conducted and discussed to understand the reality of public participation processes when developing or reviewing IDPs. Interview is a very good way of accessing people's perceptions, meanings, definitions of their situations, and constructions of their reality (Punch, 2005: 168). The interviews further assisted us to better comprehend the notion of 'the people shall govern' and the way public participation is done in alignment with the acts and policies governing it within the system of local government.

In trying to understand how the principle of public participation in the development of IDPs in these selected municipalities is being implemented, the following questions were critical to our analysis:

- What do you understand by an integrated development plan (IDP) within the context of a municipality?
- How do you incorporate of the notion of 'the people shall govern' in the development/ review of IDP?
- How are people/ stakeholders invited in the participation of developing/ reviewing IDP?



- How is the municipal IDP finalised and adopted by the Council, and whose interests are served? and
- As the municipality do you do you give stakeholders feedback about the finalised IDP, and how?

Findings and Discussion

The analysis of data reveals five main themes which form the base upon which the discussion hereunder is conducted, namely; municipal integrated development plan (IDP), public participation, participatory democracy, poor service delivery and feedback. These themes are integrally related to one another. Their relationship ensures practical realisation of people involvement in the governance of a municipality where the needs of community are taken care of. The three investigated municipalities incorporate the democratic principle of public participation during the development and review processes of IDPs.

This principle is in line with the slogan 'people shall govern' articulated clearly in the Freedom Charter. The local sphere of government is giving a practical meaning to this democratic legislative principle of public participation through IDP development and implementation processes. The democratic principle of public participation is meant to ensure popular sovereignty or the rule by the people as it gives citizens an equal say in the decisions that govern it.

But Friedman (2011) warns that the level of education or knowledge of technical issues does not necessarily give any member of the political community greater rights to a say than another. We strongly argue that education and training processes are generally recognised to be the starting point to achieve competencies in any given field. Interviewee1 (2011, Feb 4) indicated that various techniques such as the Mayoral Outreach Program, as monthly community participation program to provide the



status on implementation of government developmental projects, are applied by the Sekhukhune district to promote and enhance the principle of public participation in the development and review process of integrated development plan.

According to Interviewee1 (ibid), other structures facilitating the notion of 'people shall govern' within the system of local government in Sekhukhune district include the IDP Managers' Forum, and the IDP Representative Forum which consists of also sector departments like Social Development, Cooperative Governance, Human Settlement and Traditional Affairs, local municipalities and relevant community structures. These forums serve as the centre of planning around the IDPs at the district level.

The IDP document is developed as five-year strategic plan that is adopted and ratified by the Municipal Council for the municipality and reviewed every year. An IDP framework gets developed by the district municipality in partnership with all relevant stakeholders, which is then used by individual local municipalities to draw their own IDPs for implementation. However, this plan often repeats the same projects. According to Interviewee 2 (2012, Feb 8), "most of the community needs are the same and repetitive every year".

In this analysis, an indication from respondents is that many local municipalities experience service delivery backlog which is often caused by the municipality's inability to complete or deliver on promised services mainly due to budgetary constraints and development capacity deficit. Service delivery backlog frustrates communities and thus partly leads to community service delivery related protests because municipalities are always blamed for poor service delivery in many parts of the country.

Different approaches are used by individual local municipalities to consult with wider communities and provide feedback about the IDP process. For example, Community Development Workers (CDWs), ward committees and councillors as well as IDP

representatives collectively collect information about the needs from individual community's wards. The above approach if further enhanced by an application of a cluster approach to consult and provide feedback to the community. All structures of communities such as organised business, local traditional leaders, women's organisations, youth, etc., are represented in these community clusters. A combination of both approaches can benefit the municipality.

The majority of municipalities use both traditional and emerging public participation techniques such as public meetings, public hearings and e-participation. As one interviewee indicated, IDP document is published on the municipality's website for public comments (Interviewee 3, 2012). E-participation method of engaging with the general citizenry entails a wide range of specific individual techniques such as e-mails, provision of Web-site information, bulletin boards, chat and news groups, and dialogue groups. This method tends lead to ineffective public participation because the methods are only available to those who have access to a computer at home or work. Given the poor or lack of IT infrastructure and low level of literacy in the whole Sekhukhune district, the use of e-participation approaches in the development IDPs become ineffective.

Ward committees also play a critical role in facilitating public participation as a constitutional principle. Through ward committees, municipality provide information to communities, obtain information from and about the community, enhance acceptance of policy decisions, programs, projects and services. Ababio (2007) agrees that ward committees help achieve the state's developmental agenda or vision. Provision has been made for the functions and powers of ward committees through the Municipal Structures Act of 1998, and the Municipal Council may delegate duties and powers to a ward committee (see Craythorne, 2003). Ward committees serve as a two-way



communication channel for both the municipality and the community on matters relating to administrative governance and service delivery (Ababio, 2007; Reddy & Sikhakhane, 2008).

However, a study by Nzimakwe and Reddy (2008:677-678) highlights some challenges faced by ward committees such as capacity deficit thus hampering their full participation and contribution to the ward governance system; none payment of ward committee members thus forcing them to be reluctant to travel and attend meetings; and lack of full understanding of the system of local government.

The interviewees in the two local municipalities agree that the municipality, through its council, decides for the communities which service delivery issues should be first prioritised. This suggests that municipalities undertake public participation process during the development of IDPs just for compliance sake with applicable legislation while undermining the rich and diverse views and opinions of local communities. This finding further brings in the question of power relations. The community has the power during the IDP consultation meetings to articulate issues which should be prioritised while the municipality controls the budget. This is well captured by one interviewee:

“...the interests of the community are served but yet arranged by the Municipal Council. Communities do not understand it in the same way as it should be understood. Even if communities have raised service delivery issues, the final decision is taken by the Council because it is the one that passes the vote” (Interviewee 3, Feb 6, 2011).

The above quotation suggests that practically the notion of ‘the people shall govern’ gets defeated at municipal level because of the power of the purse or this is symptomatic of the contradictory nature of the concept of: the people shall govern. The power of budgeting, relative to the power of the community, causes troubles, which sometimes

results into community service delivery related protests in South Africa. It is argued in this paper that any government decision should be judged on whether it is supported by most citizens or communities.

According to Friedman (2011: 60), the key reason for community protests is not necessarily lack of capacity on the part of government to deliver quality services, but the constant gap between grassroots citizens' needs and wants. The interviews reveal that the development or review local municipal IDP the public participation processes take a top-down approach rather than bottom-up nor a mixture of the two. In this case needs already compiled and prioritised by the District municipality are matched with what communities are complaining about and as a result the district IDP becomes duplicated for different local municipalities.

Notably, often communities complain about poor prioritisation of their issues raised during the development of IDPs. In support of this, Todes et al, (2007: 20) point out that concerns raised at meetings are not necessarily reflected in the IDPs as these processes are only consultative while decision-making is ultimately undertaken by Municipal Council. On the other hand Friedman (2011: 58) argues that popular sovereignty or decision making by the people is the very essence of democracy but quite often politicians and officials misunderstand both the nature of democracy and the requirements for effective government. Justification for marginalisation of priority issues raised by the general public is well captured by the quotation below as thus:

“Copies of approved IDP document are distributed to ward councillors to report back to their ward committees about the prioritised programs for implementation that shows program, budget, villages and timelines. However, our ward councillors always report about dissatisfaction from their constituencies about poor prioritisation” (Interviewee 3, 2012).



Public education program is not effectively used in the three case studies to inform the communities about the public participation processes on integrated development plans. In municipalities, there is an established public participation directorate that should directly conduct and implement public education programs within local communities. However, data show that the important role of this directorate has been reduced only to inviting the general public to the IDP consultative meetings as well as assisting in the development of IDP program for these consultative meetings. It was argued by Interviewee1 (2011) that conducting public education programs in communities is the responsibility of the relevant IDP directorates as they are experts in the field.

Although, the development and reviews of IDPs in municipalities seems to be well in promoting public participation as a constitutional principle, people just do not attend these consultative meetings. A respondent in this study argues that:

“You know, people do not always come in large numbers because they are tired of raising one issue every time ... I mean that people complain that every year you come here we tell you our concerns and needs but we do nothing about them. Of course they are correct, but the fact of the matter is that we are constraint by the availability of the budget.” (Interviewee 3)

This sentiment indicates that the public is not being given feedback about the issues and needs raised during public participation processes and information about the budgeting processes in view of service delivery. The reluctance avoid over usage of sometimes- is not decisive indication of facts, it makes the statement not worthy not attend meetings by affected public can be directly related to political situations or events linked to IDP consultative meetings becoming hijacked or disrupted by unsatisfied members of the public. Adam Habib calls this disillusionment “gatvol factor” meaning that people stays from government consultative meetings because they are disillusioned (Cloete, 2011; May 20) .

In this paper, the focus is on IDPs but not on the demarcation – so let's not bring in issues unrelated to the core of the paper into our discussion as you run the risk of making the non-issue not linked to IDPs be debated during the question time. Interviews indicate that concerns raised at meetings are not necessarily reflected in the IDPs as these processes are only consultative while decision-making is ultimately undertaken by officials on a political basis. This argument raises the issue of power relations, as indicated above, between the public whose interests appear to be marginalised and on the other hand also gives rise to gender based contradictions, as argued by Todes et al (2007: 20). These gender based contradictions are in essence more structural in function. Public participation is indeed a contestable arena (Wolfe, 1986: 3-4).

There is an indication that coordination and planning on the IDPs should be coherent. According to Interviewee1 (2011), the coordination of plans are not coherent amongst the three spheres of government. The Limpopo Integrated Planning Framework of 2011/12 financial year to address the challenge of poor coordination between the two spheres of government resulted out of poor communication. Lack of coordination between the district and local municipalities in Sekhukhune has been further cited as a challenge to the development of credible IDPs. The following emerge as areas of critical concern that need attention:

- Participation: In the chambers by members of the public relatively needs improvement. Although the legislation is very clear about the participation of the public in the chambers when prioritisation and adoption of IDPs is debated, invitation and appearance of the public should be more visible.
- The improved public participation for the development/ review of IDP for local municipality by the municipal Council to bridge the gap between the municipality and the people (in terms of complementing majority representation in political/ community structures).



- Improving political and voter education; and facilitation of sound knowledge about democratic governance of local municipalities.
- The top-down approach in the development/review of IDPs requires review.
- The implementation of public participation needs improvement and rigorous monitoring.

Conclusion and Recommendations

The democratic principle of public participation in the development of integrated development plans is meant to ensure popular sovereignty or the rule by the people. Public participation entrenches the notion of "people shall govern" as encapsulated in the ANC's 1955 Freedom Charter. This has positive implications for governance in local government. The IDP process means that the views and opinions of communities matter more than those of municipal officials.

The notion of: the people shall govern; is difficult to realise because it is complicated by the nature of the composition of the community structures. These structures are equated with the voice of the people, which in this study have been found dynamically linked to the power relations and the political use of votes.

This paper has raised a number of questions that needs further research more especially to deepen participatory democracy in our societies. It is therefore recommended that there be:

- Training and capacity building of Municipal Councils for monitoring implementation of IDPs;
- Training for municipal officials on evaluating the impact of policy implementation;
- Various forms of public participation and participatory democracy to strengthen service delivery and democracy;
- Public education on IDP development and public participation to create an understanding and knowledge of the discourses;



- Coordination between national, provincial, district and local municipalities in IDP review processes; and
- Relevant and improved feedback mechanisms that will encourage and enhance participation process.

The paper has explored ways of involving the people through public participation in order to ensure that the voice and aspirations of the general populace is incorporated in the integrated development plans of the municipality. It can be safely concluded that the public is represented through community's development and political structures, however, there is still a need to complement such structures as suggested by the findings of this study.

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Public and Community Participation in the Municipality:

Role of the Local Municipality in Improving Community Participation

Presented by Dr. Oupa Moshebi: Walter Sisulu Leadership Academy, Johannesburg, South Africa

Introduction

“Letsema” in essence means “people working together for a common purpose” and also refers to community participation. The President, Jacob Zuma has urged all South Africans to voluntarily participate in community projects through “Letsema”. He appeared on television wearing an overall and participating in the community co-operatives projects in the country.

Participation literally means to take part. Longman (1995:1031) defines participation as “the act of taking part in an activity or event”. The United Nations’ definition of participation is “the creation of opportunities to enable all members of a community and the larger society to actively contribute to and influence the development process and to share equitably in the fruits of development” (Midgley, 1986: 24).

Community participation was demonstrated by ANC on 25 and 26 June 1955 at Kliptown, Soweto where more than thousands of people gathered to adopt the “people’s document, that is, “Freedom Charter”.

As the struggle for freedom reached a new intensity in the early fifties, the ANC saw the need for a clear statement on the future of South Africa. The idea of a Freedom Charter was born, and the Congress of the People Campaign was initiated. During this campaign the ANC and its allies invited the whole of South Africa to record their demands so that they could be incorporated in a common document. The document would be accepted at the Congress of the People and would become the Freedom



Charter. Thousands of people participated in the campaign and sent in their demands for the kind of South Africa they wished to live in. These demands found final expression in the Freedom Charter.

The People Shall Govern!

- Every man and woman shall have the right to vote for and stand as a candidate for all bodies which make laws;
- All the people shall be entitled to take part in the administration of the country;
- The rights of the people shall be the same regardless of race, colour or sex;
- All bodies of minority rule, advisory boards, councils and authorities shall be replaced by democratic organs of self-government. (Mandela, 1994: 204).

The new system of local government as introduced in 2000, which was correctly positioned as a sphere of government best placed to give practical meaning and substance to the basic political commitment that people shall govern. It was said to people that through local government, together with the community, democracy will be brought to the people. Conceptualization of local government is placed in a cutting edge of addressing basic national challenges such as underdevelopment, unemployment, stagnation and poverty (Minister of Provincial and Local government, Mr. M.S.Mafumadi).

The newly created sub-municipal Ward Committees play a critical role in achieving the above. Ward committees being a representative structure of the community and citizens, they need to inform the municipality about the aspirations, potentials and problems of the people. They should also form bridge by facilitating proper communication between the council and citizens they represent. Local government legislation provides for the establishment of ward committees that will serve as a cord which articulates our system of government to the mass base. (Minister of Provincial and Local government, Mr. M.S.Mufamadi).



Definition Of Community Participation

The term community participation is often used synonymously with the terms: citizen participation, people's participation, public participation, and popular participation. According to Nzimakhwe (2008: 44) community participation is the involvement of citizens in a wide range of administrative policy making activities, determination of levels of services, budget priorities and including acceptance of physical construction projects so that government is oriented in programmes based on community needs and encourage a sense of cohesiveness within the society.

Phago and Hanyane (2007: 94) define and see community participation to be characterised by two way exchange of information between the people and the legitimate authority resulting to the provision of valuable information about the needs and aspirations of the local people to the public authorities in order to initiate and implement decisions in entering partnership commitments.

Public participation is defined in the Draft Policy Framework by Department of Provincial Local Government as "...an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision making". It further states that public participation is a democratic process of engaging people, deciding, planning, and playing active part in the development and operation of services that affects lives (DPLG, 2005:5)

According to Local Government Bulletin (2006:7) public participation is a principle that is accepted by all spheres of government in South Africa. Participation is important in making sure that government addresses the real needs of the community in the most appropriate way. Participation also helps in building an informed and responsible community with the sense of ownership of government development and projects. It allows municipalities to get buy in and to develop partnership with stakeholders.



Public participation is a means of fostering equality. This is based on the democratic principle that all citizens should have an equal opportunity to exert influence through participation in the planning process of the local authority if they choose to do so (Atkinson 1992:7).

The two definitions entail citizen participation which is facilitated by expertise from the government. The expertise is from local, provincial and national government. They engage community in policy formulation, decision making and implementation. Emphasis is on information exchange between officials and community in order that the community may participate productively.

Burkey (1993: 59) sees participation as involving organised efforts to increase control over resources and regulative institutions in given social situations, on the part of groups and movements of those hitherto excluded from such control, for example, blacks, Indians and coloured communities in South Africa. These groups were disadvantaged in many ways due to their exclusion from certain activities.

Views About Community Participation

Kroukamp (2002: 50) indicated that participation of the citizen in government activities aims to establish sound relationships between the various participants and to be successful should be preceded by negotiation to determine the rules to be followed in process of participation. The author cites six guiding rules to be followed when participation is promoted. Community participation:

- Must begin at the lowest level within the community. People who are consumers of services at ground level must gain wisdom and know the benefits of participating in projects and understand what the advantages of such participation are.
- Must take place at all stages of particular project. These stages include briefing



session, ways to present plans, available assistance for citizens, implementation, evaluation stage and whether the project is feasible or not.

- Is more than casting a vote or an isolated activity. Community must be able to take decision in the management of its own affairs, if involved community will sustain the project and work as a collective.
- Process must deal with resource allocation and control including services needed to achieve the goal. Community must be able to identify their strengths, weaknesses, opportunities and threats. In this way they will be able to organize themselves as seen in groups of NGOs and CBOs.
- Must deal with existing loyalties. Sometimes projects fail because people lose interest as time goes by. People should build tolerance within themselves, and
- Community participants must be cautious about possibility of conflict in some Communities and government officials must be able to deal with the conflict that emanates from their activities, example slump in markets that discourages economic activities of the groups.

Public Participation in Local Government

The Constitution of South Africa (1996) and legislation such as chapter 4 of the Local Government: Municipal Systems Act (2000) and Chapter 4 of the Local Government Municipal Structures Act (1998) provides a powerful legal framework for participatory local democracy and ward committees in particular. Ward committees were included in the legislations as a way of providing an opportunity for communities to be heard at the local government level in a structured and institutionalized way. Ward committees are the structures that make it possible to narrow the gap between local municipality and communities, since ward committees have the knowledge and understanding of the citizens and communities they represent.



In 2004 a survey by the Australia-South Africa Local Governance Partnership suggested a few simple pre-conditions for the ward committee system to be successful. These include the need to:

- See the process of public participation as meaningful. Both parties- the municipality and the public to listen to each other rather than just talk to each other.
- Make it clear at the outset as to what makes the final decision, for example, if the views of the community are different to that of council, whose view will prevail?
- Fund in order to avail resources to support the process in all examples of good practice. In some cases public participation is the object of a special programme, such as the renowned participatory budget process in Porto Alegre, Brazil, which involves thousands of community members each year supported by a team of municipal employees dedicated to facilitating the process.
- Ensure that information relevant to the participative process is conveyed in a manner that is relevant and understandable to the communities involved, which may require the use of local languages.
- Understand the distinction between:
 - o Providing information,
 - o Consultation,
 - o Participation.

Community problem solving is central to the idea of citizen participation. The traditional form of representative democracy works well at the state and provincial levels, but it has not been enough for the local level of government and administration. Communities have to take responsibility for themselves and that includes individual citizens, business and ward committees which have to find ways to assist them in improving the quality of life of their communities.



According to Craythorne (1996:55), public participation in local government entails inter alia salient elements, such as:

- A basis of elected representation;
- Caring and working for the prosperity and development of all citizens;
- A universal right of appeal against administrative and governmental or political decisions and actions;
- The acceptance that the welfare of the public ought to enjoy precedence over the interests of any special group;
- Acknowledging that the right to criticize presupposes that any criticism will be informed and objective.

The above elements presume that for democratic local government to exist, the public must govern, or at least actively participate in governance issues. In line with the above argument, the inclusion of ward committees in the South African local government legislation (such as the Constitution of the Republic of South Africa, 1996, the Local Government: Municipal Structures Act 1998 (Act 117 of 1998) and the Local Government: Municipal Systems Act (No: 32 of 2000) is meant to provide an opportunity for communities to participate in local government affairs in a structured and institutionalised way. Linked to the hypothesis highlighted in the introductory chapter, the existence and use of ward committees should bring about structured public participation in local government.

In addition, the Ward Committee Resource Book (2005:11) explains that a structured public participation includes the need inter alia:

- For the process of participation to be meaningful and to be seen as meaningful;
- For both parties – the municipality and the public – to listen to each other;
- To make it clear at the outset who makes the final decision. For example, if the

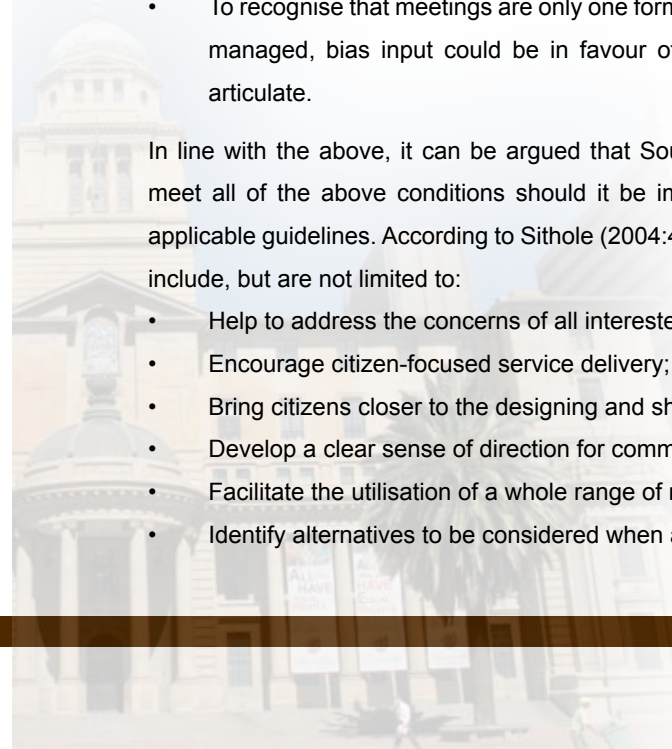


views of the community are different from those of the Council, whose views will prevail?

- For resources to support the process – in all examples of good practice, public participation must be funded;
- To ensure that information relevant to the participative process is conveyed in a manner that is relevant and understandable to the communities participating. This may require the use of different languages;
- To provide feedback on the participation process and the final decision that emerges;
- To include officially elected councillors in the participatory process;
- To ensure that policies exist that guide municipal staff in the manner and the reasons for their participation;
- To recognise that meetings are only one form of participation and unless properly managed, bias input could be in favour of those that are vocal and/or more articulate.

In line with the above, it can be argued that South African Ward Committees could meet all of the above conditions should it be implemented in accordance with the applicable guidelines. According to Sithole (2004:4), the benefits of public participation include, but are not limited to:

- Help to address the concerns of all interested and affected parties;
- Encourage citizen-focused service delivery;
- Bring citizens closer to the designing and shaping of local public service;
- Develop a clear sense of direction for communities;
- Facilitate the utilisation of a whole range of resources in the community;
- Identify alternatives to be considered when addressing issues;





- Improve municipal credibility with the public;
- Reduce levels of misconception or misinformation about a project.

The Nature Of Public Participation In Local Government

Implementing public participation in the local sphere of government is not an easy exercise, as the form which participation takes is influenced by the overall circumstances and the unique social context in which any particular action is being undertaken. The Department of Water Affairs and Forestry (2001:9-10) highlighted some of the realities to be considered when undertaking public participation, namely:

- Public participation is a costly exercise and a time-consuming process. It may necessitate the commitment of a wide range of an organisation's staff members over a long period of time;
- Due to the unpredictability of human behaviour, problems may develop at any time, despite proper planning and good intentions;
- Stakeholders may raise old, unresolved issues that have necessarily been extended to the current initiative;
- Stakeholders may use public participation as a platform to further their own agendas;
- It is likely that issues of a different focus will be raised and this could result in conflict. The way in which this conflict is managed will determine its effect on the public participation process. The conflict may be turned into a positive energy that aims at resolving issues, both those related to, and some beyond, the focus of the initiative;
- The outcome of a public participation process cannot be predetermined, because people are unpredictable. The process must be flexible in order to adapt to unforeseen circumstances. It is not always possible to satisfy everyone and this



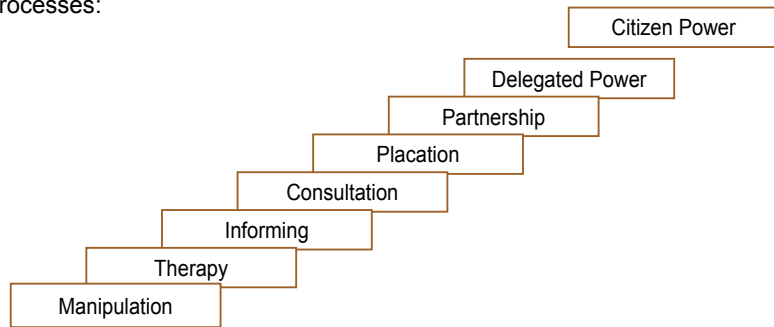
could result in some people not approving of the initiative.

Public participation can lead to the realisation that the initiative is not feasible in practice. In undertaking public participation, municipalities must always consider the above realities, in order to understand the challenges that are sometimes associated with public participation. Consequently, municipalities should not regard public participation as an obstacle to development, but rather as a means of achieving local development. Participatory democracy represents frameworks for direct democracy; where procedures for political participation are used to provide real possibilities for the enrichment of local political and administrative life, as well as for improvements in the responsiveness of public services to the needs of citizens. Ife and Tesoriero (in Mbambo and Tshishonga, 2008: 769) argue that in participatory democracy, people participate directly in making decisions. Municipal officials and Councillors often consider consultation and involvement to be the appropriate levels of engagement for Integrated Development Plans (IDPs).

Drawing from the researcher's practical experience, municipal officials experience an internal conflict between the desirability of consultation and involvement, and their desire to control the development policy-making process. The public continue to feel excluded from the exercise of real political power; and this renders future participatory development interventions problematic. This argument fits well with Midgley's anti-participatory and manipulative modes (in Mbambo and Tshishonga, 2008: 769).

From the anti-participatory model the state is labelled as disinterested in the poor; and therefore unable to provide strong support for public participation. The focus is more on the elite and the accumulation of power. While in the manipulative model, the state supports public participation, but it has its own agenda, whereby the few selected are co-opted into pursuing the State agenda. Similarly, Arnstein (1971:3) has provided

the ladder of citizen participation illustrated below (see Figure 1.1) as a measure that impacts on public participation in democratising development and democratic processes:



Source: Arnstein 1969:2

Forms of Community Participation

The forms of community participation in existence, which could be helpful to the people who are involved in the promotion of the community participation and development, are the participatory democratic form and the liberal democratic form. Local government is perceived as the most democratic tier of government, which allows community to play a significant role through participation that assist in the achieving of set objectives. The reason for this view is that local government is the sphere that is closest to the people, hence the definition 'a decentralized representative institution with general and specific powers' Bekker (1996: 16).

But, contrary to the approach of South Africa, local government in other countries is sometimes seldom seen as a fully democratic expression of the preferences of the local citizenry. More often than not the reality in these countries is that local government is, instead, a distortion of local democracy, indicating either elitist domination or "clientelism".

The scenario may suggest that the local government and its policies are not



representative of the majority of the local electorate. Furthermore, the so-called "responsiveness" of local government generally means responsiveness to the demands of the local elite. In other words, it is not responsive to the voice of the people (Geldenhuys in Bekker, 1996:11-12).

Participatory democratic model

Ishmael et al. (1997:28) argue that participatory democracy tends to emphasize more on people's direct involvement in the decision-making process. This is made possible by the representative institutions, which are regarded as truly democratic in allowing people to participate freely in their policy – making structures. The argument that participatory democracy tends to emphasise people's direct involvement in the decision making, is augmented by the following characteristics (Christenson, 1971:194):

- Participatory democracy regards citizens as highly motivated politically, and believes that they will participate fully and continuously in public life.
- Citizens will have access to adequate political information and will use it for enlightened political decision making.
- Citizens are able to communicate their political views to others and debate them effectively.
- Government becomes accessible to all citizens.
- As many issues as possible are exposed to popular discussion. There is often no rigid demarcation of issue areas in different sectors of an organisation, and boundaries between organisations are flexible and informal.
- Formal procedures are played down in favour of popular enthusiasm, (Christenson et al. 1971: 194).

Liberal democratic model

This model tends to place more emphasis on the individual liberty and privacy and also focuses on representative government or institutions to fulfil aims such as liberty, equality, and fraternity. Ishmael et al (1997:26) outlines the features of liberal



democracy as reported by the Centre for Policy Studies:

- Control over government decisions about policy is constitutionally vested in elected officials.
- Elected officials are chosen in frequent and fairly-conducted elections in which coercion is comparatively uncommon.
- Theoretically all adults have the right to vote in the election of office-bearers.
- Practically all adults have the right for elective offices in the government.
- Citizens have the right to express themselves without any danger of punishment.
- Citizens have a right to seek out alternative sources of information and these (such as the media) are protected by the law.
- The political system is competitive, in that competing leaders and organisations define the alternatives of public policy, and this offers voters the opportunity of making real choices.
- Citizens have the right to form relatively independent associations or organisations including independent political parties and interest groups.
- Clear distinctions are drawn between the various functions of government - legislative, executive and judicial.

It becomes obvious from the factors mentioned above that participation in all its forms stands to benefit the people who are involved in it. The idiomatic expression, “two heads are better than one” is relevant. There is always a sharing of ideas and capacitating of the individuals with knowledge and skills in any participatory set up. However, participation must by no means be induced on the people as this could derail the intended objectives.

The derailment of well-intended objectives is supported by Rahnama (In Sachs 1992:126) when he states, ‘Contemporary history is particularly rich in cases where induced participation in projects of an ideological, national or ethnic nature had



repeatedly led to frightfully self-destructive tragedies. After all, slogans of participation have accompanied the events which led to the physical or mental destruction of millions of innocent people in Germany, the USSR, Cambodia, India, Iran, Iraq and elsewhere”. Although many advantages of community participation have been discussed thus far, there are also certain disadvantages to the phenomenon.

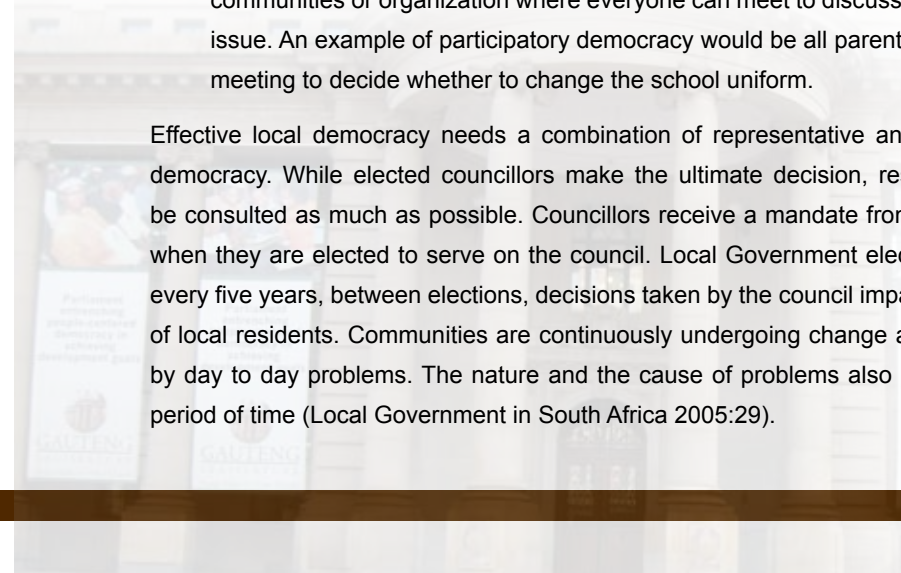
Accountability and Community

Representative and participatory democracy

There are two main forms of democracy:

- Representative democracy: where people elect representative to make decision on their behalf. Local government councillors are elected directly by residents to represent their interest in local council. Councillors get mandate from the voters based on their election manifesto. This is a form of representative democracy.
- Participatory democracy: where people make all decision themselves. All the people affected participate in the decision making and there are no representatives who can decide on their behalf. This can work in small communities or organization where everyone can meet to discuss and decide an issue. An example of participatory democracy would be all parents of the school meeting to decide whether to change the school uniform.

Effective local democracy needs a combination of representative and participatory democracy. While elected councillors make the ultimate decision, residents should be consulted as much as possible. Councillors receive a mandate from communities when they are elected to serve on the council. Local Government elections are held every five years, between elections, decisions taken by the council impact on the lives of local residents. Communities are continuously undergoing change and confronted by day to day problems. The nature and the cause of problems also change over a period of time (Local Government in South Africa 2005:29).





Why participate?

Davids & Maphunye (2005:129) state that government practice does not solely involve decision-making. Public participation before and after decision-making is fundamental to improving the quality of decisions made and to improve compliance. Fundamental above all, it is important that authority is not only well-informed on technical issues before making decisions, but also on citizens' needs. With participation prior to decision making, authorities can better reflect public opinion when making their decisions. After decision-making, the public can participate by controlling the means for enforcement and the joint management of the decision. Without this participation the decision will likely lead to failure.

How can one participate?

There are different forms and institutional mechanisms of participation. Each mechanism has its particular characteristics, its strengths and weaknesses. It is difficult to state whether certain forms of participation are better than others; in general, viability and efficiency of any form or mechanism depends on the political, social, economic and cultural context where it is developed.

Public hearing

A public hearing is a formal meeting between citizens and government authorities in order to discuss a particular subject, such as a bill, a municipal by-law or any other type of decision to be made by the government. These meetings are carried out during the decision-making process; in general public hearings occur at both the legislative and executive level (Emfuleni Local Municipality; Rules for Ward Committees 2003:4 1). Public hearings have many advantages for both citizens and government authorities. Listed below are some examples:

For Citizens:

They have the opportunity to:

- Share their opinion, criticize and influence public decisions.
- Learn other citizens' perspectives that take into account environmental, social and/or economic considerations.
- Enjoy freedom of speech and to be heard.
- Reach consensus.

For decision makers:

They have the opportunity to:

- Communicate with a variety of social actors.
- Strengthen the quality of their decisions by having them more clearly reflects the claims and aspirations of the addressees.
- Access more information.
- Achieve and demonstrate more transparency in the decision making process. (Draft guidelines for the Establishment and Operation of Municipal Ward Committees 2003 : 14).

Referendum as participation strategy

A referendum is a widespread kind of semi-direct form of democracy. Citizens vote in favour of or against a proposal to establish a new norm or to modify or revoke an existing one. This kind of public participation has a binding effect: government authorities accept and implement citizens' decisions. It is important to distinguish this kind of participation from others that are not binding, such as public hearings.

Countries that use referendums establish the legal criteria, forms and topics that can be involved in this kind of participation on a case-by-case basis. There are several Central and Eastern European countries (e.g. Hungary, Lithuania, Poland, Slovakia and Slovenia) where public participation in environmental decision making is based on the constitutional right to launch a referendum or legislative initiative. Local referendums on environmental issues have been held rather often in Hungary, Poland and Slovakia (Burkery S, 1996:88).





Community Involvement/ Engagement

This is a process where people express their right to be active in the development initiated. It is a collaborative partnership between individuals groups, organisations and the public sector to mobilise resources and change relationships. Individuals initiating community engagement activities must understand the belief system held by community members, especially if these are different from their own. The case of Ward 28 in the Maluti-A-Phofung municipal council (Qwa-Qwa) becomes relevant here since it comprises of rural and semi urban populations with different beliefs, expectations and issues pertaining to development. It becomes necessary to apply the principles of communication, capacity building and partnership (Delcarme doc.2000, pages 2-3).

Communication: One should be clear about the goals and purposes of the engagement effort and the communities to be engaged, thus knowing about the communities' dynamics, structure, norms and values.

Capacity Building: Capacity building is based on the premise that people can lead their own change processes in order to become actors and not merely subjects of change. Community capacity building is developmental in nature. It involves training and providing resources that strengthen the ability to establish structures and systems, upgrade skills, and develop procedures that enable them to participate.

Partnerships: Partnerships with the community is characterised by mutual cooperation and responsibility. The main purpose of establishing partnerships is to reach a compromise that entail the recognition of self-help activities, respect for the individual and a willingness of authorities to cooperate.

Empowerment

Empowerment is the process whereby individuals, communities and organisations gain confidence, self-esteem and power to articulate their concerns and take actions to address them. Empowered persons are motivated to change negative things that



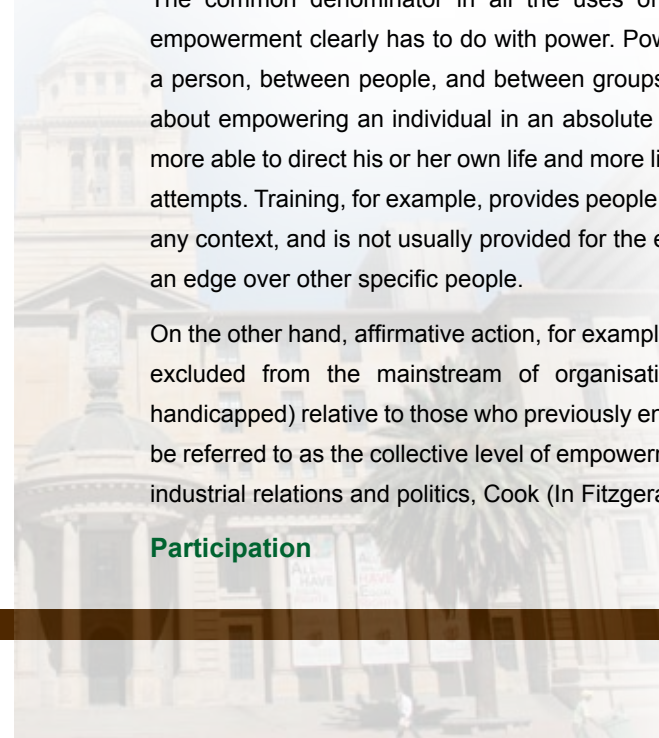
confront them into positive things from which they derive some benefits. The key to the empowerment of the communities is the unrestricted access to the information which is relevant and the development of the necessary skills and capacity to utilise that information (Delcarme, doc. : 03).

Cook (In Fitzgerald, 1997: 281) argues that empowerment of people is a prerequisite for their development being sustainable. And this applies as much to staff in a department as it does to participants in 'a rural community development project. Cook further states that "management literature indicates that empowerment is used in several contexts, including total quality management, self-managing work teams, continuous improvement, and participative management". Typical of this understanding is the following statement: 'With empowerment, the idea is to give non-management employees the freedom to make decisions without supervision" (Kirkpatrick, 1992:29).

The common denominator in all the uses of the term - empowerment - is that empowerment clearly has to do with power. Power operates at various levels - within a person, between people, and between groups. It is possible to speak on one level about empowering an individual in an absolute sense, in which the person becomes more able to direct his or her own life and more likely to succeed in whatever he or she attempts. Training, for example, provides people with the skills required to get ahead in any context, and is not usually provided for the express purpose of giving participants an edge over other specific people.

On the other hand, affirmative action, for example, seeks to empower those previously excluded from the mainstream of organisational success (blacks, women, the handicapped) relative to those who previously enjoyed an unfair advantage. This could be referred to as the collective level of empowerment, and is very much the concern of industrial relations and politics, Cook (In Fitzgerald, 1997:282 - 283).

Participation



Participation refers to the sum of actions taken by people in order to influence or attempt to influence an outcome. Participation varies in extent and intensity and is considered increasingly intensive as more people engage in it. It should be viewed as an evolutionary process that starts with planning and ends with operation.

It is important at this stage to discuss the factors that affect participation as these factors could, if ignored by the people promoting participation, hinder the process of participation. The factors that affect participation are discussed as follows: Power Relations: Needed to reduce the power distance between the haves and the have nots. This relates to the information and monetary strength that certain individuals may possess that could influence the outcomes. They must not be used as bargaining tools.

Trust: Communities and authorities do not have to be equally skilled nor have confidence but must trust one another and share commitment. Honest actions are the source for developing and maintaining trust.

Flexibility: Communities and authorities must be flexible in accommodating each other's feelings and needs. Greater flexibility is strongly associated with greater responsiveness to needs.

Decision making: Community participation will only be truly democratic if the community has the right and opportunity in actual decision making (Delcarme doc.2000: 3).

Outcome

The outcomes of any community participatory project should be social change for development in addressing the needs created by the macro environment. However, clear distinction must be made between community involvement and community participation. Community participation means participating in the initial assessment of the situation, defining the main social problems, setting priorities for programmes, implementing activities, monitoring and evaluating the results. In order to achieve this, the community needs to be aware, and be made aware of existing opportunities and



then be equipped with the necessary knowledge and skills.

The question that comes to mind is whether the community of Ward 28 under Maluti-A-Phofung Municipalities are aware of the opportunities that exist for their development and, are further equipped with the necessary knowledge and skills. The duty to create awareness and provide necessary knowledge and skills rest with those who promote community participation. It therefore becomes important to evaluate the outcome to determine if it addresses the needs created (Delcarme doc.2000: 4).

International Perspective on Community Participation

According to Caesar and Theron (2008b:117), the International Association for Public Participation (IAP2) has contributed to the practice of public participation by offering core values that practitioners and others should expect of processes that are intended to make the public more effective partners in official policy-making. Five forms or degrees of public participation have been proposed, while scores of strategies have been identified and considered.



Participants at the International Conference on Public Participation 2012



In South Africa local governments are keen to promote consultation in connection with developmental planning. Davids (2005:13) argues that consultation should only be regarded as a limited form of public participation that may invite referendum-like approval of a plan or decision, or may structure dialogue in a limited way. For many ordinary South Africans consultation denotes a pseudo-process in which people are asked to give input, but the municipal officials ultimately define both the problem and its solution. Hence, consultation does not imply that the intended beneficiaries will share in any decision-making, even to the modest extent of being provided with feedback on how public input has influenced the decision.

Federation of European Green Parties (1995: 12) works according to this principle:

- The legitimacy of community participation in the making of law and policy should be established as an underpinning principle of all actions of government;
- All individuals and community groups should be given opportunity to participate in decision which affect them;
- The contribution of diverse groups provides a valuable addition to available information;
- The needs of future generation should be recognized in contemporary decision making;
- The decision should be made at the most appropriate level; in some cases this will include groupings not currently given decision making status, such as neighbourhood;
- Every effort should be made to give marginalized group opportunities to be effectively involved in decision making. This will entail longer time lines and the introduction and strengthening of community development practices. Outreach beyond written submission and public forum techniques will be required;
- Community participation in decision making should be an ongoing process, rather than one of event which leaves communities out of reviews and change to policies;



- Policies, strategies and frameworks should be developed which enable civic infrastructure to facilitate community participation in the business of government;
- Involvement in community consultations should be recognized as work. Support should be provided to community organization to participate in consultative processes;
- The ability of community groups and individuals to gain access to information which will empower them to participate effectively is crucial to meaningful participation; and
- Governments, of all three spheres should produce the following guidelines to ensure that the community representatives whom they consult on a day to day basis reflected accurately the views of the constituencies.
- Section 16, of the Systems Act sets out two important principles for community participation:
- Participatory governance should not permit interference with a municipal council's right to govern and to exercise the executive and legislative authority of the municipality. The municipal council, which is the product of representative democracy, not only has the sole legal mandate to govern but also, and more importantly, the political legitimacy to do so.

Given the pre-eminence of the formal representative structure, participatory democracy is there to 'complement' the politically legitimate and legally responsible structures. This means that any community participatory structure may merely add to the formal structures of government, and not replace or substitute them. While every council must comply with the broad principle of participatory democracy, councils have the discretion to decide whether or not they want to establish ward committees. Where ward committees are established, the principles of participatory democracy also apply to this system.



Business-municipal-community partnerships

The global trend of reduced spending by governments has resulted in businesses to become increasingly involved in playing active roles in development. In this regard the current trend is to engage in public-private partnerships (PPPs) in an attempt to improve service delivery to specific communities. In the local government sphere, various public-private partnerships are initiated to address service delivery gaps in for instance the sectors of water, transport, waste management, parks and recreation and emergency services. Public-private partnerships comprise not only business (in its various forms e.g. multinational companies and small, medium and micro enterprises) but also non-governmental organizations and community based organizations (Van Niekerk, Van der Walt & Jonker, 2001: 256).

According to Van Niekerk et al. (2001: 256) PPPs can assist in empowering local communities and encourage local economic development. Furthermore, a partnership can be viewed as a continuous relationship and a definite process. Such partnerships involve active interactivity and are based on the following principles: particular skills; cost effectiveness and service efficiency; effective public participation; continued government responsibility; proper contractual relationship, monitoring process, regulatory framework; good working relationship between the government authority and the service delivery agent.

In view of the aforementioned, it is important to note Badshah's comments in the City Development Strategies-publication (1999: 27) that a tension exists between governments, businesses and civil society concerning their respective roles in the community. The tension is unlikely to abate and unless interaction and partnership among the different above-mentioned sectors are established (City Development Strategies, 1999: 27).



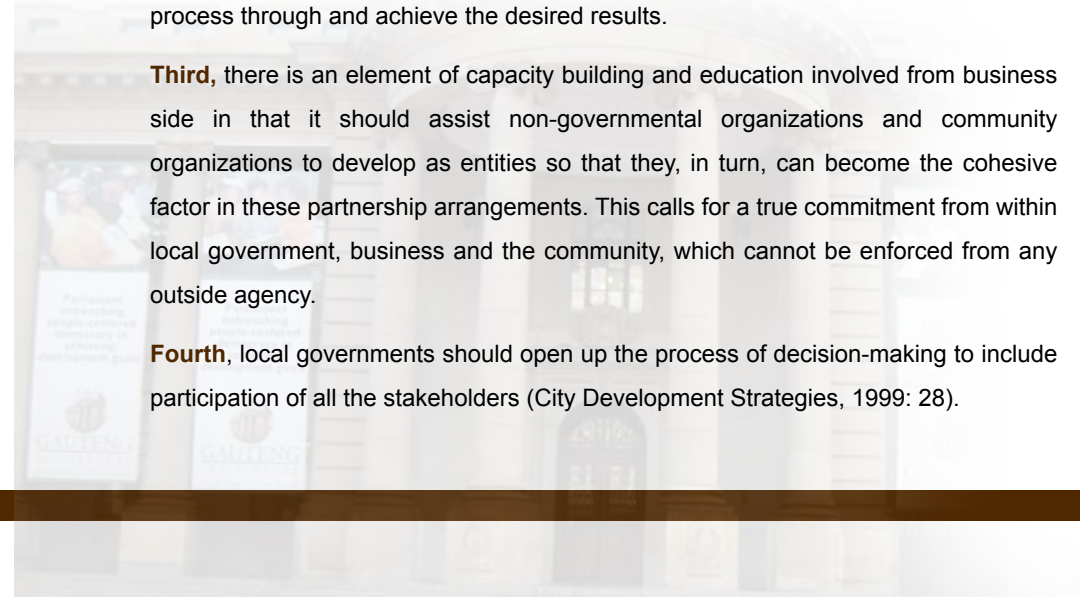
According to City Development Strategies (1999: 28) a number of lessons could be learned from international "best practice" cases with regards to partnerships between business, local government and the community:

First, for partnerships between business, the community and local government to be effective, the way in which cities are managed should be altered. What is needed is increased transparency and accountability. Decision-making processes should allow stakeholders a direct say in what a particular outcome may bring. All government institutions should be redirected towards institutionalizing partnership engagements. Short-term commitment towards engaging in partnerships with business stakeholders will not prevail because of the tendency of the political landscape to change frequently. The culture of management in government should therefore change comprehensively in order to create a continuum of stakeholder negotiations in this regard.

Second, partnerships fail because of a lack of trust between the stakeholders. A result of this may be that there is a lack of commitment on behalf of all parties to see the process through and achieve the desired results.

Third, there is an element of capacity building and education involved from business side in that it should assist non-governmental organizations and community organizations to develop as entities so that they, in turn, can become the cohesive factor in these partnership arrangements. This calls for a true commitment from within local government, business and the community, which cannot be enforced from any outside agency.

Fourth, local governments should open up the process of decision-making to include participation of all the stakeholders (City Development Strategies, 1999: 28).





In brief, the above lessons teach that a new approach towards managing cities should be adopted wherein constant negotiation takes place between the stakeholders, where all concerned parties are involved in decision-making. In addition, improved consultation and decision-making will be achieved if community organizations are capacitated to play their roles effectively with the assistance of business and local government.

Conclusion

In the preceding discussion it became apparent that South African local governments should re-assess their roles in their areas of municipal jurisdiction. Management in local government should adapt to new approaches concerning how to best improve municipal service rendering and how to achieve developmental objectives on the basis of sustainability. Community participation and stakeholder negotiations challenge traditional views on decision-making and responsibility in the municipal environment. Resource constrained public institutions working in close collaboration community stakeholders and the private sector will present municipalities with challenges that are different from traditional local government affairs.

Democratic, transparent and accountable practices are highly regarded traits where local governments strive towards legitimacy in view of their communities and where investment in development projects is sought. An effective way of meeting local government objectives could therefore be to establish and institutionalize community participation and most importantly, stakeholder negotiation to the extent that it will be viewed not as an ad hoc event but rather a continuous process. Out of necessity, the divergent views and needs would require frequent negotiation and supportive resources should be made available to prove local government's commitment towards engaging in partnerships with stakeholders. The ideal is to form true partnerships with municipal stakeholders through a process of consistent involvement in decision-making.



This could support the entrenchment of a culture of stakeholder negotiations in all matters that impact on the parties concerned. Finally, the trust-building dynamics among different stakeholders and within different municipalities motivate the need for other spheres of government to abstain from over regulating community participation and stakeholder negotiation processes other than by creating a broad policy environment to allow the stakeholders to facilitate this process themselves. Municipalities should in this regard rather be supported through offering appropriate mechanisms, resources and advice. Much applied research is still needed in this area. The South African local government system is still evolving and it is dependent on the processes of community participation and stakeholder negotiation to ensure its ultimate effectiveness.

Questions for discussions:

1. List the advantages and disadvantages of public participations?
2. Why is it sometimes difficult to distinguish between interest groups and political parties?
3. Are organized groups the principal means through which interests are articulated in modern societies?
4. To what extent social movements had an impact on public policy?
5. Do interest groups help to promote democracy or to undermine it?
6. Explain or describe of forming or encouraging the formation of area or neighborhood bodies to act as a link between the local municipality and the broad mass of the citizens. (Byrne refers to the non-statutory neighborhood councils in England).
7. Does corporatism work more to the benefit of groups, or more to benefit of government?



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The Organization and Construction of Public Participation in Makana Municipality:

A Case Study of Integrated Development Planning (IDP), 2011-2012

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Abstract

Makana Municipality in the Eastern Cape, established as a newly demarcated local government area, consisting of (Grahamstown, Alicedale, Riebeeck East, Fort Brown, Salem, Seven Fountains and Sidbury), is extremely diverse in its economic and demographic profile and educational levels. This diversity makes it a particularly intellectually fascinating area to undertake a study on modes of public participation and public interests. In the last 2 years there have been extensive attempts to elicit public views on development planning in the Municipality through 'Masithethisane', (Let us speak together) and mayoral imbizos.

The purpose of the study is to understand different ways for organising and conceptualising public participation in municipal issues in Makana, different definitions of the "problem" and different solutions offered by different stakeholders, if and how such participation influences the budgeting or decision making of the Municipal council. In the period between March and April 2011 there were 12 local government sponsored public meetings in 12 wards in which community public participation was sought by the Municipality. It was of interest to look at how the municipality took these mayoral imbizos to different areas.

The differences observed were huge and testified to observed inequalities that exist in the area. Written submissions and detailed presentations of budget were presented in the middle class areas, where there were less than twenty residents present, whereas in the townships and farm areas presentations were different, characterized by full



halls, residents' complaints and a list of wishes, even though some were not even relevant to the municipality. The understanding of public participation of residents is different to the municipalities due to reasons stated by the residents:

- The municipality does not do a report back to the community, which makes them doubt the municipality,
- Service delivery is slow and full of hiccups,
- The community is left out and residents feel that the municipality consults them only because the IDP required so, they don't feel valued and seen as the important stakeholder by the municipality,
- The public participation meetings are dominated by men raising their concerns, as a result gender related issues affecting women only are often left out.

There is still a gap that needs to be bridged between residents and the municipality for the public participation processes to achieve what they were intended for. Involvement of other stakeholders is observed as minimal in the process. Residents need to be educated on the public participation processes and its importance to the IDP. As it clearly showed in the Mayoral Imbizos, there is a misunderstanding. Finally the municipality needs to create a schedule of visiting and reporting back to the communities during a period that does not coincide with IDP public participation.

Introduction

According to the Makana Integrated Development Plan (IDP, 2011), residents take lead in defining and shaping their priorities through a variety of public participation processes, activities and programmes. The MM claims that public participation has directly and indirectly shaped the IDP for 2011/12. This paper seeks to explore the processes of public participation, focusing on how the public participation was organized, portrayed and constructed in MM. It also seeks to establish whether participation influences the budgeting and key decisions made by the municipal council. This study is of interest for several reasons.



First, of all municipalities are expected to comply with the Municipal Systems Act 2000 (Chapter 5) with extensive provisions that require municipalities to have Integrated Development Plans. Public participation is a legal requirement in order for the IDP to be validated and approved. The significance of public participation as an aspect of compliance is thus emphasized in the MSA 2000 as the foundation for the IDP review process. But is participation merely about compliance?

A second reason is that during the past two years there have been extensive attempts to elicit public views on development planning in MM. through 'Masithethisane', (Let us speak together) and mayoral imbizos (Makana IDP 2011/12).

The municipality has compiled its own reports and records of these imbizos. This data provides a useful starting point for research. It must be noted that the research is still in progress, the paper documents preliminary findings. The goals of the study are to understand:

- Different ways for organising and conceptualising public participation in municipal issues in Makana.
- Different definitions of the 'problem' and different solutions offered by different stakeholders.
- If and how such participation influences the budgeting or decision making of the Municipal council.

Research design

Qualitative method

The methodological approach used in the study is qualitative because it emphasizes careful and detailed descriptions of social practices in an attempt to understand how participants experience and explain their own world (Jackson, 1995). In its approach to the phenomena under investigation, that is public participation, the methodology is frequently more open-ended and thereby more involved than other research strategies



that are quantitative and strictly standardized and therefore often resulting in more average concepts (Wilson, 1970).

The purpose of qualitative research, as described by Boeije 2010, is to describe and understand social phenomena in terms of the meaning people bring to them. The research questions are studied through flexible methods which enable contact with the people involved in order to grasp what is going on in the field. Three ways of gathering information were employed: participant observation, in-depth interviews and focus group discussion.

Participant observation

Participant observation is employed as a process in which the observer's presence in a social situation is maintained for the purpose of scientific investigation, thus, the observer is part of the context being observed. Furthermore, the observer has to spend a great deal of time in the research situation in order to get in-depth information (Simmons et al., 1969). Participant observation helped in not relying heavily on informant's views but on to observe the unfolding of the public participation meetings. Participant observation was used as a primary method of gathering information. Seven mayoral Imbizos were attended, one business forum and one IDP representative forum meetings.

Interviews

It was essential to adopt semi-structured interviews, because these indicated an awareness that individuals have unique ways of defining their world. While a structured interview has a formalized limited set of questions, a semi-structured interview is flexible, allowing new questions to be brought up during the interview as a result of what the interviewee says. The interviewer in a semi-structured interview generally has a framework of themes to be explored. However, the specific topic or topics that the interviewer wants to explore during the interview should usually be thought about well



in advance (Taylor, 2002). It was for this reason that an interview guide was prepared, which is an informal grouping of topics that were asked in different ways for different participants. Respondents included twenty citizens, the Executive Mayor, the Speaker of the council, President of the Unemployed People's Movement, the Supply chain manager and the IDP manager.

Sampling

Purposive sampling

A sample was chosen based on the key informants participating in the public hearings; as these were viewed as respondents who could best provide information to achieve the objectives of the study. Only those who were likely to have the required information were consulted and were presumed to be willing to share it. These people included the Executive Mayor, ward councillors, IDP manager, President of the Unemployed People's Movement (Social movement), ward committee members, SMME's (Small, Medium & Micro Enterprises), and citizens. Public meetings in seven different venues were attended; two in rural, two in urban and three in township areas.

Focus group discussion

Five SMME's forming part of the business fora were invited for a discussion. Focus group discussion was employed as a source of follow-up data to assist the primary method. In multi method uses, focus groups typically add to the data that is gathered through other qualitative methods, such as participant observation and individual interviews (Morgan, 1997). SMME's were chosen as a focus group, because of the emphasis put by the executive mayor, in his inaugural speech: "The municipality takes into consideration the SMME's concerns by either doing capacity building and ensuring that SMME's benefit in tenders advertised by the municipality". Focus groups also creates an accepting environment that puts people at ease, allowing them to answer questions in their own words and adding meaning to their answers (Stuurman, 2009).



Data analysis

Content analysis was employed in the study by identifying themes or patterns, ideas, interactions, behaviours, incidents, terminology or phases used. These themes were organized into coherent categories that summarizes and bring meaning to the text (Taylor-Powell, Renner, 2003). Content analysis looks at documents, text or speech to see what themes emerge. It looks at 'what do people talk about most'.

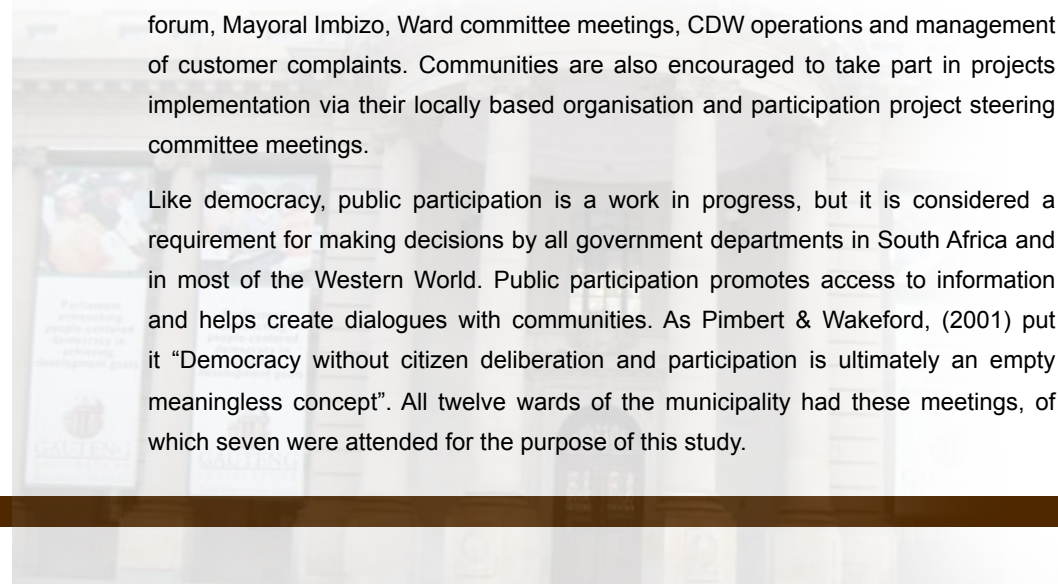
Findings

Public participation mechanisms

Mayoral Imbizos

The popular mechanism that is practised by the municipality is mayoral imbizo. The objective of an imbizo is to give residents of each ward a chance to register their needs and concerns but not raise their individual circumstances or complaints (Grocotts Mail, Nov.2011). According to Makana IDP 2011/12 council is committed to promotion of local democracy through involvement of communities in its planning and decision making processes. This is done through continuous consultative engagement such as Community Based Planning, Integrated Development Planning Representative forum, Mayoral Imbizo, Ward committee meetings, CDW operations and management of customer complaints. Communities are also encouraged to take part in projects implementation via their locally based organisation and participation project steering committee meetings.

Like democracy, public participation is a work in progress, but it is considered a requirement for making decisions by all government departments in South Africa and in most of the Western World. Public participation promotes access to information and helps create dialogues with communities. As Pimbert & Wakeford, (2001) put it "Democracy without citizen deliberation and participation is ultimately an empty meaningless concept". All twelve wards of the municipality had these meetings, of which seven were attended for the purpose of this study.





Mayoral imbizos are received with mixed feelings in the three distinct areas of Makana namely: urban (City hall and Rhodes University), rural (Seven fountain and Salem) and townships (Tantyi, Extension 9 and Noluthando halls). There are some who hold the hope that because the council changes every five years new ideas that will enhance service delivery will emerge, others feel that mayoral imbizos are fruitless exercises that waste time, energy and money, and they feel they don't make any difference in people's lives, as people still live in squalor, the unemployment rate is high, poverty is on the increase and residents are still at the mercy of criminals. In all township areas citizen's needs were categorised in the following themes or priorities:

- Unemployment,
- High crime rate,
- Housing,
- Water and sanitation,
- Roads,
- Lack of accountability and responsibility.

All the above themes are prioritized in the IDP 2011/12 but community members are still not happy about these priorities in the IDP as they claim that in all the years the same needs are budgeted for. These imbozos are also an opportunity for citizens to get clarity and updates on the planned projects. As Creighton, (2005) writes, "public participation always include a component of communicating information to the public. This information sharing component does not only help citizens, but helps officials and politicians as well to understand the conditions citizens live under". Citizens paint an ugly picture when referring to the housing challenges in Makana.

A citizen in Extension 9 hall begged the mayor to visit Transit Camp when it is raining, to inspect for himself the quality of the new houses which were built for them., . He added that their houses had been left incomplete and their furniture was being ruined



by water. Another community member said it has been years since residents were promised that Extension 8 would be extended, but this still had not happened (Grocotts Mail, October 2011). Peoples' concerns are that the municipality consults them as a mere act of compliance with IDP legal requirements. This is, the people added, to seen in their non-visibility in the communities they serve..

The municipality does not report back to the community. When the projects are presented to the community there are no timeframes attached to them, thus making it difficult for the residents to monitor the progress thereof, and hence citizens complain that the same projects are repeated in the IDP year after year. Such valuable knowledge and aspirations are gained during these mayoral imbizos. The attendance in townships is satisfactory with some venue hall, such as Extension 9s, being full (Grocotts Mail, Oct. 2011).

In the urban areas a different picture is painted, meetings are not well attended, citizens have different interests from those of the township area and the set up was different from the start of the meeting., The Municipal Manager, Mayor and all five directors attended the meeting and two councillors. No ordinary citizens attended except the group identified as Makana Independent New Deal (MIND), a political organization of independent candidates who contested the 2011 local government elections, Democratic Alliance candidates and Albany Farmers Association representatives (AFA).

The meeting was scheduled to start at 5 pm but started at 5.45pm so people were not happy at all about this. The meeting was cut short because of Rhodes University students writing examinations. AFA handed in their written submissions. There was a power-point presentation done by the Makana Finance Deputy Director, which was not done in any of the seven meetings attended. People in attendance were more interested in budget and the draft rates policy. AFA criticised the presentation f for not talking to people who do not understand finance issues since the purpose of the road show is to make residents

own the budget, and understand it so that it can be approved. The budget was criticised for its non – compliance with the National Treasury norms. AFA wanted to understand the article in the local newspaper about the R53.7m, which will have to be returned if not spent in two months and its implications to the budget presented.

The needs of the rural citizens were similar to the ones highlighted in townships. What was observed in these areas was the different treatment and attention these community members receive from the municipality. The meeting was attended by two Makana managers, communication and IDP managers and one director. The residents were not happy at all saying it was the second time that the Mayor came to the community without proper representation. The meeting was postponed because residents called the meeting a waste of time since their issues are not going to be discussed. Judging by the snail pace of development in the area, people were even wondering if the budget allocated for Seven Fountain still exists.

Residents gave the mayor a mandate to resolve the above people's challenges before his term of office ended in 3 weeks' time. This case is not unique to Seven Fountain Farm. According to Grocotts (Mai, 128 May 2010) residents in the Manley Flats Farm were not impressed by the IDP imbizo. In attendance were Manley Flats, Southwell and Collingham Farm residents, Municipal Manager, Mayor, Ward 4 Councillor, SPU officer and other municipal officials. The Mayor presented proposed development objectives, strategies and projects for the 2010/11 IDP budget which included basic service delivery and Local Economic Development projects such as improved primary healthcare services and promoting a culture of reading and learning. This provoked residents as they were complaining about poor living conditions such as lack of sanitation, housing, water and electricity supply and transportation.

In summary, it is evident that the municipality consults communities for IDP needs identification and does not report back to the community. It is also clear that the problem



is not with the public participation and the prioritization of people's needs but the implementation of these priorities, accountability and responsibility. Przeworski, (1999) & Holland, (2006) argue that mechanisms that impose accountability and provide definitions of responsibility ultimately seek to achieve responsiveness. How does accountability and responsibility help achieve a bureaucracy responsive to elected officials preferences? Holland, (2006) defines accountability at its most basic means answerability for one's actions or behaviour. Accountability focuses on the obligation owed by all public officials to the public, the ultimate sovereign in a democracy, for explanation and justification of their use of public office and the delegated powers conferred on the government through constitutional processes.

This is the schedule of public participation meetings (IDP, 2011/12)

DATE	VENUE	TIME
Wednesday 6/4/11	Riebeeck East – Alfred dike kota Alicedale – Kwanondzwakazi	14 H 00 17 H00
Thursday 07/4/11	Noluthando hall	17H00
Friday 08/4/11	Extension 9 hall	17H00
Monday 11/4/11	Luvuyo hall	17H00
Tuesday 12/4/11	Extension 7 clinic	14H00
Tuesday 12/4/11	B.B. Zondani hall	17H00
Wednesday 13/4/11	Mary waters	17H00
Thursday 14/4/11	Recreational hall	17H00
Friday 15/4/11	Tantyi hall	17H00
Saturday 16/4/11	Seven Fountain school Salem club house	14H00 16H30
Sunday 17/4/11	Manley flats clubhouse Fort Brown community hall	10H00 14H00

Considering the above schedule it is evident that the municipality spreads the public participation meetings to all wards and areas.

Door to door campaign

Not all citizens attend mayoral imbizos. These campaigns are a benefit to the sick

and elderly citizens who want to participate in IDP processes but are not able to go to community halls where these meetings are normally held. According to Grocotts (Mail, October 2011) the mayor promoted and endorsed these campaigns as another mechanism to improve attendance of these mayoral imbizos, by requesting all councillors to be part of the visits made to households within their areas. This also assists in hearing from the elderly, disabled and others who would not be able to attend what their problems are. He then assured the public that all issues raised in the Mayoral Imbizos will be considered and incorporated into the Integrated Development Plan (IDP) of the Municipality. It is only once projects are on the IDP that a budget can be allocated to them and funding from outside funders can be sourced.

The municipality has previously tried to involve citizens in these processes as early as 2005. Mr Nkuhlu (Makana Director of Corporate service), in his personal communication, agreed that engagement is encouraged by the municipality, which places advertisement in the newspaper, approaches people that cannot make it to the various community meetings about IDP asking for a community assessment of what their views and aspirations are. The different views, desires and aspirations are collected through the various community assessment programmes put in place by the different consultative forums and these views and aspirations are subject to what the municipality can afford in its budget. Feedback on the programmes is sent to the community on what can be implemented and how it would be implemented (Alebiosu, 2005).

Business forum

This is a forum of SMME's in Makana mostly tenderpreneurs. In the period between October 2011 and February 2012 the municipality had two business forum meetings, which the executive Mayor, LED Director, Supply Chain Manager, Tourism Manager, Councillors and other municipal officials attended both meetings. The local business owners especially SMME's are given the platform to contribute and shape the IDP, the municipality takes into consideration the SMME's concerns by either doing capacity



building and ensuring that SMME's benefit from tenders advertised by the municipality. The Supply Chain Manager presents tenders advertised and companies awarded and the reasons for not awarding them. This forum helps SMME's in positioning themselves for future projects. The challenge of this forum is still on how Makana can establish a sustainable SMME sector.

Five members formed a focus group from this forum. They all agreed on the following areas:

- There is favouritism in the awarding of contracts
- Business forums waste their time
- The same challenges are raised with no solution from the municipality
- Lack of incubation programme
- Different business interests
- Advertising of opportunities.

In summary, the business forum is slowly losing popularity and as a result there is no consistency in attendance by SMME's. In the Makana IDP 2011/12 SMME capacity building is given a priority.

Ward committee members

Ward committee members must aim at promoting the values of democracy by contributing to development and service delivery through their loyalty to the system. They must not serve in the system for wrong reasons, such as aiming for benefits and rewards (Stuurman, 2009). It was found that some ward committees do not even know their responsibilities, and when interviewed for the purpose of this study, did not want to be mentioned for the fear of victimization and losing these incentives.

There is a general fear that when ward committee members elevate people's concerns and poor service delivery they will be seen as opposing the ruling party in the area. Local government can do its utmost best to deliver services, but without the



commitment and dedication of ward committee members, development and service delivery becomes an illusion. Ward committee members are closely linked with the communities and people they represent. They are also the first body of governance to hear the challenges and grievances of their communities (Stuurman, 2009).

In summary, empowering ward committee members and support is still crucial. As observed and confirmed by Stuurman, (2009), these members are not aware that they have a legitimate power to question the decisions made by the council. Ward committees are not empowered to understand such legitimate powers.

IDP representative forum

This forum includes all government departments in Grahamstown, NGO's, CBO's, the business community, ward/community committees, councillors, and senior management of the municipality. According to Municipal Manager Ntombi Baart, the majority of issues raised in Joza (Township) imbizos are not municipal related, but are community needs and the challenge of all stakeholders and government departments is on how to ensure that these needs are planned and budgeted for because it is what the community wants. All stakeholders present the opportunities, campaigns and programmes that exist in their offices, to benefit community members. The public is welcome to attend these meetings, although they have financial constraints as these meetings are normally held during office hours and in the town hall.

In summary, community members do not understand the needs of different forums and committees; they see them as delaying the IDP implementation, while they support and appreciate the information shared in these meetings. A resident questioned, in the meeting held on 16 September 2011, the need to have all these different meetings namely: community based planning, mayoral imbizos and IDP forum meetings. Like other meetings this forum meeting suffered from the non-attendance of key municipal officials, thus service delivery questions asked by community members in the



community were not answered due to the unavailability of the relevant stakeholders.

Document analysis

The study undertook primary documentary analysis based on the various iterations of the IDP's. Newspapers and other secondary documents were analysed. Makana local municipality 2011/2012 integrated development planning and review process documents with the proceedings will be analysed as a data source. All these and other subject related websites would contain the most up to date research reports, journals, and analysis of other municipal experiences on IDP implementation and participation in the IDP processes (Mosana, 2005). The advantage of using websites is to access the newest ideas, views and approaches on the subject. These websites usually contain research information which highlights issues about municipal compliance with legislation as well as how municipalities have been able to develop innovative public participation approaches (Leedy & Ormrod, 2001).

Findings

In the first and second terms of democracy in South Africa, according to Houston, Humpheries, Liebenberg and Lechaba (2001), it was shown to be extremely difficult to meet the demands of participatory processes in the compilation of IDP's. This was attributed to a lack of experience with participation in municipal governance; complex technical issues with resources involved in planning and lack of capacity amongst elected officials. Local government is making strides in promoting public participation, mobilizing the public to attend and contribute to the consultative process. The elected officials have gained experience through their repetitive terms in office and capacity building exercises offered by government.

Evaluation of public participation by the municipality and the establishment of an IDP office with proper personnel, who work solely in IDP, have assisted the municipality in planning and co-ordinating IDP meetings. However, problematic relations between



elected councillors and participatory structures in the former African townships, as highlighted by Lechaba, (2001) still exists. In trying to address this challenge, Makana Mayor responds by acknowledging the problem and adds that the confidence of people has to be won again, especially in the urban areas where public participation lacks support.

The municipality complies with some of the legal requirements as stipulated in MSA; that the municipality must notify the public on issues relating to the municipality when appropriate; hold community and consultative forums with the recognized community organizations and traditional authorities and also make sure that the municipality reports back to the local community (MSA 2000). In line with the above declaration, there are different consultative forums that have been formed within and between communities, and between communities and municipalities, which are involved in the assessment of community needs and also provide feedback on communities' views to the municipality.

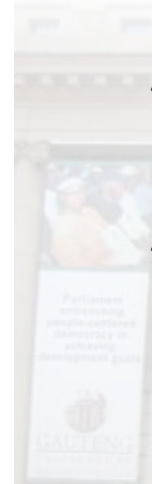
Such forums include the ward committees which are statutory committees required in terms of the MSA 2000 (IDP 2011/12), however the community does not get regular feedbacks from the municipality unless there is a public meeting that coincides with the time the feedback is due. As a result of this unsatisfactory level of feedback, community members feel excluded from municipal matters and conclude that public participation is just a mere compliance to IDP regulations. In trying to address the feedback challenge the mayor acknowledges that in previous years mayoral imbizo's were combined with IDP processes, which he has identified as a challenge and plans to separate the two. There is an improvement in municipal engagements with the public as a result but this is not yet appreciated by the public as results for these engagements are not yet evident and benefited.

Makana municipality IDP structures

The following depicts the structures available within the Makana Municipality for handling the IDP issues in the IDP 2011/12 document:



- The Council is responsible for the final decision making and approval of the reviewed IDP documentation.
- Ward Councillors, link the IDP process with their constituencies and organise public participation at ward level.
- The Mayor manages the drafting of the IDP, submits the IDP Process Plan to Council for approval and chairs the IDP Technical and IDP Representative Forum.
- IDP Technical Committee monitors the process plan progress, plans Public Participation Engagement, aligns IDP and Budget, plans stakeholder engagement and integrates with sector department.
- Municipal Manager prepares IDP process plan, ensures that timeframes are adhered to, decides on and monitor IDP process, and overall management and co-ordination.
- Mayoral Committee helps to harness common understanding between political and administrative component before the IDP reports are considered at Council meeting and makes recommendations to the IDP Representative Forum.
- IDP Manager Co-ordinates day to day management of the IDP process, co-ordinates technical or sector expertise, co-ordinates Sector plan inputs and prepares draft progress reports.
- IDP Steering Committee assists and supports the Municipal Manager/ IDP Manager and IDP Representative Forum, assists in information 'GAP' identification, and oversees the alignment of the planning process internally with those of the Local Municipality areas.
- The District Council plays a co-ordination role with all Local Municipalities within the District ensuring horizontal and vertical alignment of the IDP's of the Municipalities in the District Council area. Facilitates vertical alignment of IDP's with other spheres of Government and Sector Departments. Provides events for joint strategy workshops with local municipalities, provincial and national role players and other subject matter specialist.





Key challenges and what needs to improve in the municipality

Makana Municipality's challenges of strategic focus areas have been identified and distilled over a number of years. Due to the lack of resources to address some of the strategic focus areas, most of the strategic issue still remain relevant to date. For the next financial year the Municipality will focus on these key issues (IDP 2011/12).

- Expediting the provision of services such as roads, alternative water source, and provision of alternative energy sources for rural and urban areas.
- Constant provision of clean water supply to all urban areas.
- Addressing housing backlog.
- Improving the financial/ revenue generating capacity of Municipality through devising and implementing support tools.
- Improving Auditor General Opinion.
- Fragmented spatial planning in urban areas and land distribution rural area.
- Development of human resources skills development strategy.
- Empowering and capacitating staff to ensure efficiency.
- Supporting Municipal staff training and staff retention programmes.
- Improving communication internal and external.
- Exploring good management systems.
- Improving environmental management aspects.

These challenges handicap the IDP implementation process and it is a concern in the community because service delivery is affected. According to Grocotts (Mail, November 2011) the municipality suffered from panic as they tried to salvage a grant from the national treasury. There were roll over application challenges but R25 million was approved (Mayor's personal communication, 2012).

In summary, the municipality needs to manage the internal working relations of both officials and politicians as it hampers service delivery. It has been observed that the municipality has a serious challenge relating to programme implementation, rather



than consultation with the public. These challenges were highlighted in Grocotts (Mail, November 2011) where Mayor Zamuxolo Peter is quoted, in a business forum meeting, telling entrepreneurs the reasons the money was not spent were that:

- Departments could not fill strategic positions and that led to the incumbents being overloaded.
- Employees were careless.
- Officials either lacked capacity to carry out projects or did not care about the plight of the community.

The non-spending meant that projects planned to uplift township life in particular were under threat; with infrastructure, electrification and the beautification of streets now taking a back seat.

Conclusion

It is clear in the efforts employed by the municipality that there is commitment to engage the public in the municipal affairs concerning their development. The municipality provides the information such as IDP, reports, notices and general advertisements utilizing various forms of media such as Makana website, (Few community members have access), public notice boards, libraries, community halls, health care facility notice boards. It is up to the public to be vigilant about looking into these forms of reaching them.

It has been proven, in the document analysis, that the municipality takes into consideration the needs of the people by including them in the IDP; making this document a true reflection of their views. However, this reflection only creates expectation as implementation is not guaranteed. Community members from both rural and township areas were excluded from the budget analysis as it was not presented in the areas of observations except at Rhodes University Great Hall. As a result the Unemployment People's Movement (UPM), which is a social movement in Grahamstown, has resolved to call upon all civic organizations in Grahamstown and to

approach the Public Service Accountability Monitor (PSAM) at Rhodes University to be educated on how to analyse budget. PSAM monitors provincial government spending and performance and to partner and work with them regarding IDP issues in Makana will be beneficial to local citizens.

Recommendations

- Makana to hold feedback sessions to the public in their wards,
- The municipality to present budget to all its mayoral imbizos,
- The municipality to encourage the public to attend council meetings,
- The municipality to do consistent surveys about service delivery,
- To encourage the visibility of politicians in their wards,
- Capacitate ward committees and ward council,
- Uproot corruption, nepotism and favouritism in job opportunities and tenders,
- Addressing housing backlog.

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Public Participation in the City of Cape Town:

A Review

Presented by Ruché Daniels: City of Cape Town, South Africa

Abstract

Local government is aptly described as the government for the people as it is the closest form of government and contained governance to citizens. Man's basic need except for food is that of water; the supply thereof the most fundamental service delivered by local government. How are the needs of citizens communicated to local government for incorporation in all its planning and budgetary processes? Both the Integrated Development Plans (IDP) and the related Budgets can only meet the specific needs of citizens if a road has been mapped by all or most affected parties willing to engage local government. Local government needs to set targets for increased meaningful engagement with every year of IDP implementation and budgetary review. Public participation is a progressive discipline, the ideal not achievable short term but a substantial move towards the ideal eminent. How is this done and what methodology do we employ to achieve this purpose? The City of Cape Town a case study worthy to explore.

Introduction

Public Participation is understood differently worldwide and no common definition that crosses all borders exists (International Association for Public Participation, IAP2, (2009). IAP2 has thus found it necessary to describe "functional descriptions" of the public participation process "rather than the terminology". The process as described by IAP2 is as follows:

- Inform
- Consult
- Involve



- Collaborate
- Empower

John J. Williams (2006) supports IAP2's "functional descriptions" hypothesis, he explains that various literature sources proposes that "participation assumes a wide range of discourse, meanings and applications within and across different contexts."

This is not commonly understood as local authorities aim to establish baselines for public participation processes. What processes can be included as public participation? No corporate definition or understanding exists. For example, a research exercise into the utilisation of municipal facilities requires public comment, meaning it is a research exercise containing an aspect of public participation. Although this is understood as thus, it will not be recorded as public participation as the intent thereof is a research exercise. The argument then holds that the public participation aspect that required public comment should be recorded as public participation.

The Constitution of the Republic of South Africa endorses public participation by citizens (Chapter 5) in policy-making processes and the engagement in issues that affect them. This should surpass just voting in elections occasionally; and citizens be given an opportunity to participate – participatory democracy. The Constitution further elaborates on public participation in local government as follows:

Section 151(1) (e) - obliges municipalities to encourage the involvement of communities and community organisations in local government.

Section 152 - the Objects of local government (are) to encourage the involvement of communities and community organisations in the matters of local government.

Section 195 (e) – in terms of the Basic values and principles governing public administration – people's needs must be responded to, and the public must be encouraged to participate in policy- making



John J. Williams (2006) postulates that a shift from “spectator politics” is needed wherein;

1. Consulting with communities first,
2. Drafting programme priorities,
3. Consulting experts internally and externally to engage possibility of what can be implemented or not depending on intrinsic factors, such as budget availability, capacity, etc.,
4. Amending draft accordingly,
5. Returning to the public with what is possible and reasons why what is not achievable is removed from plan, reach consensus,
6. Council approval, and
7. Implementation.

Williams misses the ‘inform’ as described by IAP2 in its spectrum of public participation. A facet of information sharing as a form of education and/or awareness raising is imperative to create a common understanding of the material the public is consulted in. Citizens are then empowered to contribute meaningfully.

This paper seeks to review public participation in the City of Cape Town’s IDP and Budgetary processes with the aim of illustrating progress made over a 3 year cycle of institutionalisation of public participation and the evaluation thereof, as well as highlighting specific methodologies that gave way to increased meaningful participation. No consultants were employed in the evaluation and recommendations for change. The theory of change originated from a combined will of politicians and officials.

A contextualisation and theoretical perspective of public participation will be uncovered in the following sections (Policy guiding participation, Best practice, Empowering civil society, and City of Cape Town – lessons from the past) that constitute the literature review. The ensuing sections describe the public participation experience in the City of Cape Town.



Policy guiding participation

IDPs play an important role in the realisation of policies originally sourced in the Cooperative Governance and Traditional Affairs department (COGTA), which describes the function of local government regarding development and progressive spatial planning. Local authorities are given a tall order to address various developmental issues ranging from “poverty reduction, sustained economic growth, sustained resource use, environmental conservation, spatial integration of diverse racial groups and various land uses². These are requisite in IDPs and in addition inter-governmental relations, whom are indicative on lending, spending and grants distributed to municipalities, which ends emphasis to the fact that IDPs have progressed from only including local priorities. IDPs in addition, are required to provide means for civil society to engage its content. This has not been the case though; and IDPs instead have become information sharing instruments and not tools of engagement³

Best Practice

Research has shown that there is a need for the collection of both qualitative and quantitative data during and after public participation processes⁴. The measuring of public participation merely by the number of events and people who attend is not an indication of meaningful participation. A need to engage the effectiveness of the public participation tool employed is pertinent to the evaluation of the overall process. This is gauged by a customer satisfaction survey or an evaluation form. The road to more meaningful participation cannot be mapped by increasing numbers at meetings, but rather by the evaluation of comments and input recorded that are usable for the amendment of policies and other governmental tools of trade. An evaluation of this nature will assist government officials with the measurement of the understanding of processes by citizens. IAP2 has described a situation in Brazil where local government procured the services of a public participation practitioner to evaluate the budgetary

process in a specific city⁵. A full evaluation process was conducted to include a desk top review of all relevant documentation and interviews with stakeholders. It was regarded that the process impacted change as there was:

1. Influences to the planning processes,
2. Decisions taken at meetings were included on committee agendas, and
3. Officials were obligated to respond to decisions by reporting on implementation or lack of implementation and the reasons why implementation was not possible.

The evaluation process sparked increased interest and debate on budget decisions during processes to follow. A question begging to be asked is; is government keen to engage the contribution made by citizens in decision making processes and provide feedback communicating how the input of citizens was utilised. Failure thereof will result in apathy⁶ and distrust. Officials have reported that the failure of reporting back is not intentional but rather as a result of a lack of resources. According to J.J. Williams (2006) in his citation of (Jayal, 2001), "Community participation is defined as the direct involvement of ordinary people in the affairs of planning, governance and overall development programmes at local level". The Municipal Systems Act 32 of 2000 states that an amendment to the Integrated Development Plan

(IDP) will only be made when the change suggested is from a Committee member (electives). This means that a member of the public cannot at a hearing or meeting suggest a change. It is therefore, imperative that the empowerment of Ward Committees should be set as a priority to ensure public comment is steered through this vehicle.

Empowering Civil Society

In 2007 the previous Department of Provincial and Local Government in its National Policy Framework for Public Participation called for the establishment of Ward Committees with "distinct delegated functions"⁷.

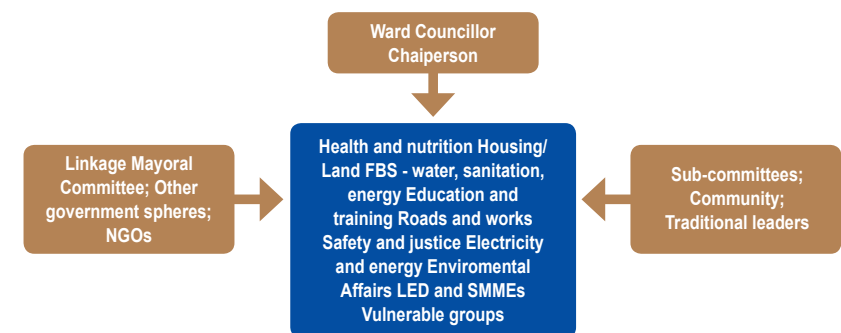
Ward committees are established in those municipalities that have opted for a ward-



based participatory system. The role of the ward committee is to enhance participatory democracy in local government. Ward committees are seen as an independent advisory body that must be impartial. The specific roles of ward committees are to:

- Make recommendations on any matters affecting the ward to the ward councillor or through the ward councillor to the municipality;
- Serve as an official specialised participatory structure;
- Create formal unbiased communication channel as well as co-operative partnerships between the community and the council; and
- Serve as a mobilising agent for community action, in particular through the IDP process and the municipality's budgetary process;
- Hold other duties as delegated by the municipality.

Figure 2 Areas covered by ward committees and their linkages



Therefore ward committees are forums for deliberative democracy, set up to:

- Promote self-management, awareness building and ownership of local development;
- Enable faster access to information from government, as well as collecting information about the situation at community level (Social Audit) as well as closer monitoring and evaluation of service delivery;



- Provide clarification to communities about programmes and enable community involvement and quicker decision making;
- Enhance transparency in administration;
- Harness local resources to support local development;
- Improve planning, which can now be based on local strengths, needs and preferred outcomes;
- Improve the accountability of government.

Wards can cover a wide range of sectoral issues (see Figure 2) depending on the situation in the ward.

In order for communities to be active and involved in managing their development, claiming their rights and exercising their responsibilities, ward committees as legitimate structures need to be effective and a number of practical mechanisms are required, which are outlined in the next sections. The establishment of ward committees is still at an early stage and a great deal of capacity-building still needs to be undertaken⁸.

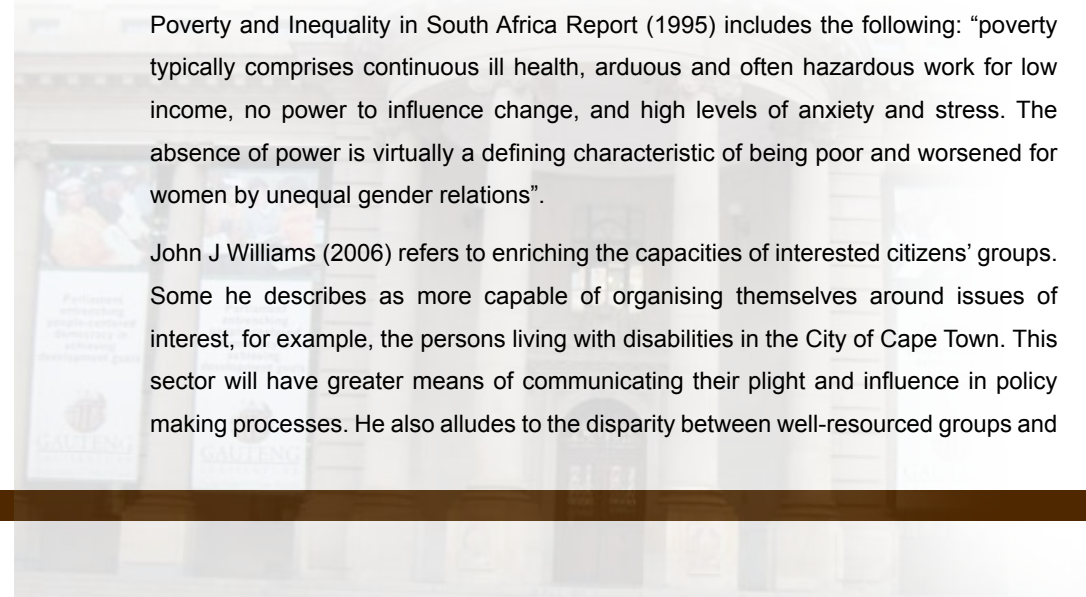
The South African Centre for Public Participation (SACPP) reports that to ensure the inclusion and meaningful participation of communities adequate training needs to occur. Ward Committees especially, should be the beneficiaries of training exercises. Training in local government processes especially in planning and budgetary issues should be prioritised. SACPP further discusses that resources be made available to ward committees and their constituents in accessible language in order to encourage discourse and meaningful feedback. These processes all require adequate time for full discourse and deliberation. Local government can only cultivate meaningful consultation with the involvement of all relevant role-players (communities and vulnerable groups) and allocated capacity (official staff) for these purposes.



It is unfortunate that not all of society is at a place where they can make meaningful contribution – “President Thabo Mbeki spoke of the “two South Africa’s” – of a society that remains deeply divided between those who have access to resources of the country and those who remain poor and marginalised⁹ “The most disadvantaged sectors are often unable to participate in the democratic process. Limited access to media, low education levels and geographic isolation from the centres of government, not to mention constraints of time and money, preclude meaningful participation by much of society”¹⁰ (UNDP, 2000, cited by Susan de Villiers, 2001). The focus of a democratic government should be to empower its electorate towards meaningful participation, else political interventions and government programmes are likely to fail.

This empowerment can have many forms particularly directed towards a strategy that would take into account the disparities. “South Africa has a Gini coefficient of 0.58, ranking the third most highest in the world, and the second highest in countries of similar levels of development” (UNDP, 200:64, cited by Susan de Villiers, 2001) in our society, viz. education and capacity building and adequate housing and living conditions. The Poverty and Inequality in South Africa Report (1995) includes the following: “poverty typically comprises continuous ill health, arduous and often hazardous work for low income, no power to influence change, and high levels of anxiety and stress. The absence of power is virtually a defining characteristic of being poor and worsened for women by unequal gender relations”.

John J Williams (2006) refers to enriching the capacities of interested citizens’ groups. Some he describes as more capable of organising themselves around issues of interest, for example, the persons living with disabilities in the City of Cape Town. This sector will have greater means of communicating their plight and influence in policy making processes. He also alludes to the disparity between well-resourced groups and





the opposite, the former enabled to “promote their interests” more easily than the latter group with low resources. This does emphasise the necessity of local government to take serious cognisance of the realities in demographics among their constituents.

City of Cape Town – lessons from the past

The City of Cape Town's past regarding participation is not one to be proud of. Previously, there existed shortcomings which painted a bleak picture where citizens were not included in the planning, IDP prioritisation and budgeting. Participation was compliance based and grossly under resourced. John J Williams (2006) maintained that the non-existence of skilled practitioners and co-ordination made the task of growth in how public participation was conducted difficult. Citizens were not included in the evaluation of public participation nor were they consulted regarding their needs in budgetary prioritisation. A lack of training and education in council “state of service delivery¹²” what IDP is and the role of citizens therein was evident. Poorly or misinformed citizens attended meetings which results in - spectator participation.

The Financial Directorate was persistent on how it conducted its participation, and the shift from compliance based participation to participatory budgetary planning was vital but not evident during the 2001/2002 and 2002/2003 financial cycles¹³. Factors that contributed to ineffectual participation in the City during the stipulated timeframes mentioned earlier were: no central database of community organisations, unorganised local communities that were represented by self-appointed leadership, and the lack of knowledge that was a state of mind maintained by councillors who knowingly preserved effectual ‘gate-keeping’ of information from their constituents for personal political gain.

It would deem necessary that the City learns from past misconceptions by; educating citizens on their right to participate in planning initiatives as enshrined in the Constitution (RSA), that public participation practitioners are trained in participation and capacity



building of citizens, and that citizens have their say regarding the City's initiatives.

City of Cape Town – 2009 and beyond

The City institutionalised public participation by approving its first Public Engagement Policy in March 2009. A new and streamlined Public Participation Unit (PPU) was established in the Office of the City Manager, under the political oversight of the Office of the Speaker.

Public Participation in the City was systematically mainstreamed by a plan of action that included all line function directorates. An Inter-directorate committee - Public Participation Working Committee, was established as per the Policy for the purposes of assessing public participation, monitoring and evaluating, reviewing and annual reporting. An annual calendar for all public participation processes was constructed by PPU staff with the assistance of all directorates in the City; this held directorates accountable to timeframes for policies, strategies, bylaws, and local interventions that would require public participation of any given calendar year. The calendar assisted in the monitoring of public participation processes across the City and the draft calendar would be approved by Council annually.

In 2011 the calendar morphed into a financial year monitoring tool, in order for it to be aligned with budget and planning processes in the City. A public participation plan is developed by line departments in consultation with PPU practitioners for every public participation process. This serves as a project plan including inter alia; internal and external sectors to reach, process steps in alignment with Council practices, timeframes and responsible unit for each step, public participation tools to be used, and methodology to be employed. The Speaker receives monthly updates on the status of bylaws by means of a bylaw schedule which includes process steps in alignment with Council practices, the responsible department and project manager. An annual review



of all public participation processes are tabled at Council at the end of the financial year.

IDP 2008/2009 (City of Cape Town, 2009, IDP report)

A range of public participation tools were employed during this round of public participation. During August 2008 the IDP and Budget Schedule of Events were tabled at Sub-councils and Ward Forums (Committees from 2012). Community Based Organizations invited for participation were reached on the respective sub-council databases. Public meetings were held in October at sub-councils with the relevant documentation made available to ward forums prior to meetings. Documentation was disseminated to all sub-council offices and municipal libraries in the IDP review process. Further engagements occurred during February and April 2009 canvassing comment on the Annual Report and draft IDP respectively. Sectoral engagements were conducted with community organizations by the Economic and Social Development directorate.

The purpose of these engagements was to capacitate organizations to actively participate in council processes. Inputs were sought from Higher Learning Institutions through the City's partnership with the Cape Higher Education Consortium (CHEC) at an engagement at Stellenbosch University and approximately 100 comments were received. An awareness campaign, both internally and externally was steered by the City's Communications department, this commenced with a briefing to the Top 320 on 9 October 08. The IDP office presented an overview of the IDP process on a monthly basis at the City's corporate induction sessions to all new employees. Approximately 500 employees were briefed during this cycle. Five hundred comments were received during the review process.

All council public participation structures were employed during the 2008/2009 IDP and budget cycles. In addition, sectoral engagements focusing on education were also executed. The results were not very promising, as only 500 comments were received.



It was clear that more had to be done to improve upon the City's outreach for its IDP and Budget planning. Sectoral engagements had to precede the participation process to ensure more inputs from the public. Public meetings facilitated by officials were clearly not showing any results either.

The budget public participation process yielded 55 responses, 34 from the public and 21 from sub-councils. Relevant departments responded to those who commented. The draft budget did not require amendments and some related policies were adjusted.

IDP/Budget 2009/2010 (City of Cape Town, 2010, IDP report)

During the July / August 2010 cycle engagements with communities, ward forums and sector organizations ensued. In addition, the City employed a new strategy to replace the public meetings of 2009, i.e. Have Your Say forms placed at sub-council offices. The feedback from the forms resulted in a response from 4 371 (1149 + 3222) citizens in 2010 at only the cost of printing black on white forms and the paper whereon the forms were printed compared to the 1 737 citizens reached in 19 public meetings city-wide during 2009 calendar year costing the City R 147 00.00. 2 661 inputs were received as a result from the forms dissemination, 848 projects were prioritized on sub-council level, 619 were prioritized from the Have Your Say forms, and Directorate specific projects were tabled at Executive Management Team meeting for consideration in budgets. In addition, forms were placed at libraries, clinics, cash offices, housing offices and municipal administrative offices resulting in 3 222 inputs from the public. The IDP office after consultation with the PPU developed a one-pager information sheet for easy reading, making the IDP more accessible to the greater public. Postcards acknowledging receipt of inputs were sent to members of the public who commented or provided input in the IDP review process.

A definitive improvement in meaningful participation was evident as the public input were

categorized and prioritized into the City of Cape Town's departments and sub-councils. Records of all comments and inputs were made available as supporting evidence.

The budget public participation process received 13 comments all of which did impact the budget as no amendments were made to the budget only to related policies.

Budget 2010/2011 (City of Cape Town, 2011, IDP report)

The Budget was placed at all sub-council offices and libraries for comment during the period of 1 April 2010 up to and including 5 May 2010. In total 23 responses were received and these were categorized according to the issues raised. Category A referred to comments received from the public relating to service delivery, policy matters, tariffs and valuations. The other applicable category– D, refers to the exemptions to be applied to the transport tariff relating to the Integrated Rapid Transit System. The exemptions have been included in the Tariffs and Charges Book and were applicable from 29 May 2010. Comments and departmental responses are documented; however the feedback process to the public is not clearly defined.

IDP/Budget 2011/2012 (City of Cape Town, 2012, IDP report)

The IDP office in consultation with the Mayor's office embarked on a public engagement during the period from 19 September 2011 to 17 November 2011. The Executive Mayor, Alderman Patricia De Lille, had strategic mayoral public meetings across the City. The IDP office, Sub-councils and the PPU had additional meetings and other initiatives across the City's 24 Sub-council areas. The purpose of the meetings were to introduce the 5 pillars for Service Delivery to the public and to allow feedback on the services rendered in the appropriate Sub-council area as well as Ward specific projects.

The public was given the opportunity to rate services in their area, to choose the 3 most important objectives from the list of 23 within the 5 pillars and to identify area specific programs and projects.



City wide, 6500 comments were received and captured. The following graphs reflect the outcome.

Although the IDP Public Participation Process analysis is not based on scientific methods of analyzing needs, it can be linked to the Community Satisfaction Survey (CSS) which is a scientifically adhering to the code of good research practice.

TOP 3 objectives identified

Of the forms that were correctly completed, the following was identified as the top 3 objectives.

Priority 1:

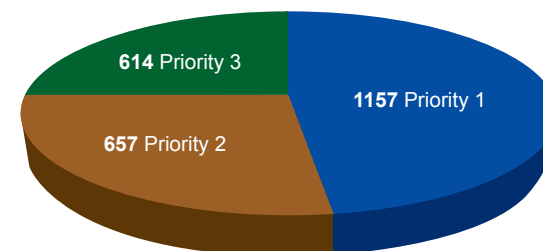
Create an environment that will attract investment and generate economic growth and job creation

Priority 2:

Improve the efficiency of policing and emergency services through training and technology

Priority 3:

Provide more staff and resources in safety and emergency services in order to provide additional services to most vulnerable communities



The top 3 objectives can also be linked to the City of Cape Town's resident's priority needs (CSS 2007 – 2011). 2 of the 3 top objectives which were identified during the IDP Public Participation Process are also reflected in the CSS 2007 -2011 resident's main priorities, namely job creation and crime prevention.

The City's functional area (as per C3 notifications) with the highest call volumes for 2010/2011 confirmed the 2 priorities and Safety and Security issues received the third highest calls.

The community priorities will be included in the draft 2012/13 – 2016/17 5 year IDP. The top 3 objectives will be dealt with in the following manner:

Objective 1.1:

Creating an enabling environment to attract investment in order to generate economic growth and job creation which will further be enhanced through the implementation of the Western Cape Economic Development Programme, the Events Programme and the Small Business Centre Programme.

Objective 2.3:

Efficiency in policing will be improved through information and technology driven policing by the implementation of the smart-cop system, the introduction of advanced patrol vehicle technology and the introduction of gunshot location technology. The City will also continue to experiment with operational strategies and crime prevention concepts as per the neighborhood safety officer per ward and selected schools programme and the information-led special operations.

Objective 2.4:

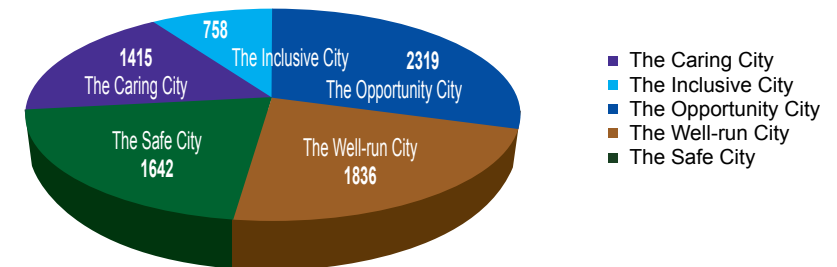
On-going training and development of Safety and Security staff and the capacity expansion of the City's Training Colleges will improve the efficiency of policing and emergency staff through effective training.



Objective 2.5:

The expansion of the City's externally funded policing programme, the establishment of a law enforcement reserve member service, fire and rescue reserve member service and the enhanced speed enforcement capacity will provide more staff and resources in order to provide additional services to most vulnerable communities.

Prioritization of the City's 5 Pillars for Service Delivery

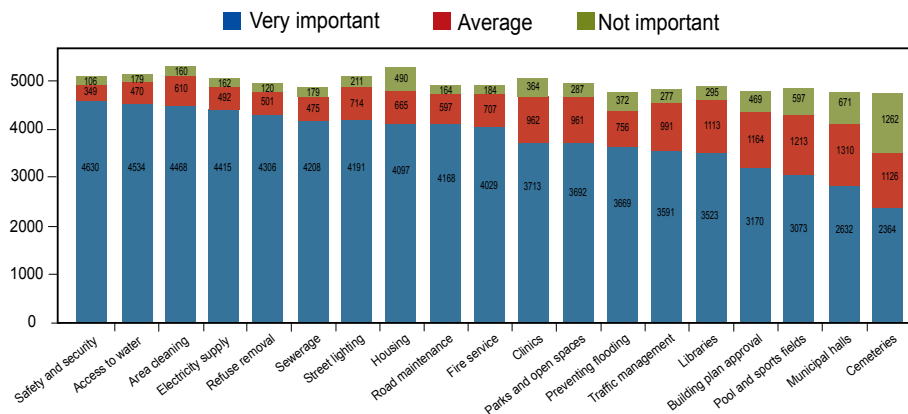


Of the forms that were correctly captured it was observed that the residents felt that providing opportunities for its residents was the most important, followed by a 'Well-run City' and a 'Safe City' By observing the prioritization of the 5 Pillars, a connection with the top 3 objectives emerges.

Services identified as very important

This section of the comment form was not compulsory to complete therefore the graph below indicates the services that were ranked as 'very important', 'average' and 'not important' as completed on the forms.

Safety and Security was identified as the service where the ratio between 'very important', 'average' and 'not important' is the highest followed by access to water and area cleaning. This also relates to the CSS (2007 – 2011) and C3 notifications captured (2010/2011)



The budget participation process received only 27 comments, which did not impact the budget in any way as no amendments were needed. This could be indicative of more education requisite in the budgetary public participation process.

Conclusion

The change in strategy for public participation for the IDP and Budget process in the City of Cape Town has been a clear indication that an annual review of public participation is imperative. Parallels could be drawn between what the citizens identified as important during the IDP public participation process, calls to the call centre which are captured on C3 notification and distributed to relevant departments, and the annual Customer Satisfaction Survey conducted by the City.

It is important to note that no real targets were set per year for participation, but an improvement encouraged by internal evaluation and strengthened by political will and officials' willingness. More of the same tools for engagement were used within varying degrees and combinations, but being mindful of change needed. The change needed materialised in 'Have Your Say' comment forms that resulted in more meaningful participation. Public meetings had more interests and increased attendance due to



the Mayor's and Mayoral Committee members' attendance. All forms of media were employed, i.e. print media - corporate and local newspapers and the City's newsletter, the City's website, social media, call centres and door-to-door. The author was directly involved with the door-to-door campaign. The personal touch took government to the people in the comfort of their own homes. People were open and freely invited officials into their homes for lengthy deliberations, wherein great need was expressed. The expectation was that someone would listen and translate needs into service delivery – there was still hope.

The using of various tools of engagement was relevant to the demographics in the City. A need was expressed for the introduction of a feedback mechanism. The areas covered in the door-to-door campaign had the highest attendance at the public meetings. In some areas Community Development Workers (CDWs) assisted City staff with door-to-door campaigns and sharing knowledge of the respective areas. Ward councillors and sub-councils in addition had their own public meetings.

The combined effort of all role-players increased meaningful participation and impact. This is not however, where the buck stops. The PPU conducts post-participation surveys with the citizens who participated. 79% of participants were satisfied with the public engagement process for the 2011/2012 IDP process.

The 2011/2012 IDP process was clearly not an academically sound process but rather a strong will striving towards excellence and reaching increasingly more citizens in meaningful participation. This process was more successful and meaningful due to the increased number of comments that could be utilised in the prioritisation of services from micro (wards) to macro level (provincial and national).

Combined resources from various government stakeholders played an effectual role. An evaluation team consisting of the IDP office, PPU, the Office of the Speaker, Sub-

councils and Communications conducted post-participation evaluation. Feedback to citizens was channeled through means of a report on the City's website, with outputs as per sub-council priorities. During the 2010/2011 cycle a report was tabled at sub-councils which included a detailed spread-sheet of actual data and data categories as well as priorities. The last cycle feedback was in the form of a report linking the IDP, CSS and C3 notifications to Portfolio Committees, Sub-councils and Ward Committees.



Hon Lindiwe Lasindwa facilitating a session at the PPP conference



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Chapter Four



Chapter Four

Innovations In Public Participation



The Role of the Mobile Web in Achieving Inclusive Public Participation and eGovernance:

Creating a “Virtual Town Hall” as a single point of access to government.

Presented by Roger Layton: Roger Layton Associates, Johannesburg, South Africa

Abstract:

Public participation and e-Governance requires effective communication channels to ensure free flow of information between citizens and government structures. Traditional communication structures of call centres, print media and broadcast media are being complemented with increased usage of Information and Communication Technologies (ICTs) to reach the citizens. It has been argued that the ICTs hold the opportunity for being a leveller between the rich and poor economics within the country. However, this is also said to be problematic with regard to the lack of facilities within the underserved areas, thus creating a “digital divide” in access to ICTs. In the past couple of years there has been significant penetration of mobile phones throughout the country, including in underserved areas, and this has opened up an opportunity to use mobile devices as the basis for achieving equality and inclusiveness in access to government through ICTs. In this paper I argue for the usage of the mobile web – essentially access to the web from mobile devices - to achieve an integrated and inclusive practicable vision for public participation and citizen-to-government communications, which I have labelled as the “Virtual Town Hall” – a single point of access to government.

Keywords:

public participation, e-Governance, e-Government, Virtual Town Hall, Mobile Web.

Introduction

Background

In order to be more effective, efficient, and transparent, government must continually



improve its communications with citizens and other stakeholders. Such communications concern information that government should and must make available to the public, and provide a forum for interactive engagement with the people. Whereas there has been much discussion recently on government information that is considered private and secret, there is also a range of information that government is required to make public, which creates a spectrum of accessibility of government information from “completely secret and protected” to “completely open and available” .

Public participation engagements traditionally take place through public meetings, such as ward meetings in municipalities and public participation workshops for policy reviews. The notice of these events is published in the media, and the interested stakeholders must then find their way to these public meetings. In rural areas - which cover a large proportion of the country's land area - the distances are large and this presents a challenge to ensure inclusivity, fairness and equity in the public participation processes.

With the rapid rise in the usage of mobile phones and smart phones, and the increasing access to broadband data services over such phones, the opportunity exists to transform public communications and public participation within the entire government sector. Whereas technology is now available for this, it is the application of these technologies and the focus of government initiatives which is lagging behind.

This paper argues for enhancing the role of information management and the information and communication technologies (ICTs) through the usage of mobile web technologies, for achieving an effective and efficient public participation system that improves inclusivity, fairness and equity over traditional approaches. This paper also considers the role of information in public participation in government planning and policy-making and the entire communications linkage between the citizen and the government on all relevant matters of mutual interest. Whereas this broadens the



scope of this paper beyond the subject of this conference, a model is presented within this paper for how all communications in the public-government space have a common generic structure and can be provided as a “single point of access” to government through a proposed initiative which I have named the “Virtual Town Hall”.

Sample Situations

Before I dive into the details of this paper I would like to present some sample situations as exemplars of issues in citizen-government interaction which are caused purely by the lack of the right information at the right time.

Firstly, within each municipality in the country there is a requirement to produce an Integrated Development Plan (IDP) which is a five-year projection of the work of the municipality in delivering services. This requires input from the local communities in terms of their needs and for this purpose municipalities engage with their communities in public meetings, which are recorded and analysed as the formal input into the IDP. However, most citizens do not know the exact responsibilities of local government, provincial government or national government, and the issues raised at these meetings are often meant for other spheres of government. For example, issues concerning the need for more schools or improved policing should be directed to provincial and national departments.

The work of government is structured into silos, each with distinct responsibilities, and there is a constitutional requirement for inter-governmental cooperation. However in practice this is a significant challenge. It would be beneficial for the communities to use these public meetings as the entry point into the whole of government, so that the municipality is the front-line of communications for all of government rather than being restricted to their own responsibilities alone.

Secondly, the recent floods in Mpumalanga highlighted the lack of effective



communications and advance warning systems for those affected by these floods. This issue was highlighted by various government officials during the news broadcasts. However, to provide a disaster management system is a challenging and potentially expensive project, given that it requires the ability to communicate directly with every person within an affected area, including citizens, tourists and illegal residents. The requirement to inform people about impending and current disasters remains at its core an information and communications problem.

Thirdly, the NPC Jam process provided a forum for anyone to engage in an online debate about the work of the National Planning Commission and was conducted from 28 September to 1 October 2011. To access the Jam required an Internet-linked computer with a web browser. I participated, but did not receive feedback on how the issues were dealt with and I would have liked to have seen how the moderators and analysts made sense of these discussions. The single largest concern I have with this Jam approach is that it is only open to those with access to computers and the Internet, which is a biased viewpoint and not inclusive.

Currently only around 10% of the residents of the country have access to the Internet through traditional computers, while around 95% of the people of the country have access to mobile phones, and an increasing proportion of these are Internet-capable. This NPC Jam is an excellent starting point, and I commend the NPC for their initiatives in creating this opportunity for open public debate in cyberspace. What I argue for here is creating inclusiveness by using mobile phone technologies which are more accessible to all.

A final example, the bane of all drivers, is how to report a problem in roads or traffic while you are driving. Almost daily I encounter problems that I would like to report to someone about a new pothole that has emerged after a heavy rain, or a burst



water main which is causing traffic problems, or a traffic light which is not working. Once again, the activity of reporting such problems is inherently an information and communication problem for which the solutions are to be found within the ICTs.

Government Communications Structures

The responsibility for government communications is distributed across each and every sphere, sector and institution of government. Whereas the Department of Communications has a mandate to provide the infrastructure for communications, the methods and means of communications are left to individual public entities.

This current approach to communications - being distributed communication structures - is based upon the traditional context of communications using the print and broadcast media, and the sending and receiving of letters. This approach is far from optimal in the emerging world of electronic communications in which centralisation of communications is now a technological possibility. I argue in this paper that this centralisation is not only a possibility, but is also the optimal approach to create effectiveness and efficiency of public participation in the context of modern mobile technologies.

I am searching for the ideal of a "single access point to government" in which every citizen has one "door" that they have to pass through to gain access to the full range of government services available, and to provide maximum opportunity for inclusive participation. One of the largest current problems with public participation is that there are too many doors and they are too difficult to find or to get to. For those living in rural communities, these doors into government may require long and expensive travel, and there is no guarantee that the door is actually open when they arrive. I think that we can do better.

My vision of this single access point, the single door to government, has been formulated and structured, and it has led me to the conceptualisation and development of a tool called the "Virtual Town Hall" which forms a part of our mobile information



portal called xtownx which I expand on later in this paper. In essence I have created a "gedunken experiment" (thought experiment) by considering that this "Virtual Town Hall" already exists, and then running mental simulations of how people will use this. This experiment has led to a variety of ways in which mobile web technologies can greatly improve public participation.

The Policy Context

There are a large number of acts and regulations which provide for public participation or public access to information, each within their own scope of application. The Constitution of the Republic of South Africa provides for public involvement in the National Assembly (s57), the National Council of Provinces (s70), and the provincial legislatures (s116). These are the only three points in the Constitution which use the term "participatory democracy". However, the core principle of participatory democracy is given substance in s195 (1) (e) of the Constitution:

"People's needs must be responded to, and the public must be encouraged to participate in policy-making", as well as subsection (g) "Transparency must be fostered by providing the public with timely, accessible and accurate information".

These two subsections identify the two directions of the communication flow. Firstly from the public to the government structures, and secondly from the government structures back to the public. Section 4 of the Promotion of Administrative Justice Act provides a range of options for dealing with adverse impacts on the public arising from administrative actions. All of these options require communication to the public who have been affected and allow for their engagement in finding solutions. The means and methods of communicating with the public about these procedures is provided by regulation No. 7425 which accommodates the usage of the Internet as an option for



giving notices to the public, but provides modern technologies as secondary options, with publication in national and local newspapers being the minimum requirements. Perhaps it is time to give precedence to digital communications as the preferred method of communication.

One of the most important Acts concerning public participation is the Municipal Systems Act (MSA). This includes provision for public comment in terms of by-laws (s12/14), and access to the complete set of by-laws (s15). The core of the MSA in terms of public participation is contained within Chapter 4 Community Participation. This chapter requires each municipality to establish appropriate mechanisms for notification and public comment procedures although I argue that a common standard approach to such notification and public comment should be provided which is consistent across not only all municipalities, but all public entities.

Other information relevant to the public which is identified in the MSA includes notice of meetings of the council (s19), notices concerning the development of the integrated development plan (IDP) (s25) and key performance indicators (s44). The IDP is a plan which defines how municipal budgets will be used for service delivery, and the guidelines for this include many points of access which require public participation. Such public participation is also outlined in the White Paper on Local Government in which a range of hints are given for how such public participation may be accomplished, including organised formations, structured stakeholder participation, participatory action research, and the formation of associations. The IDP Guide Pack also identifies a set of principles for public participation, which includes:

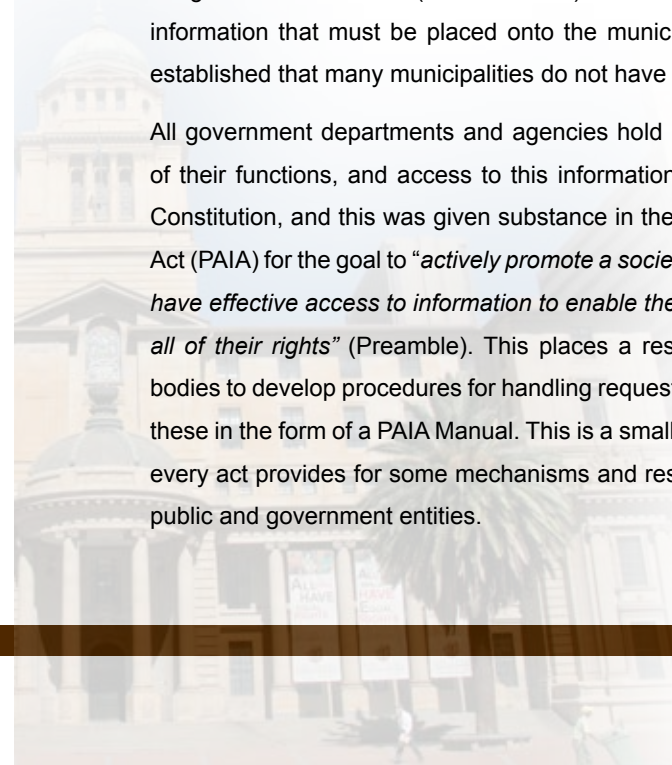
- That the role of participation democracy within the scope of the IDP is to “inform, negotiate and comment” (p.38) on the decisions of the councils,
- That public participation must be institutionalized,



- That clear rules are needed in terms of who is to participate or be consulted, and on behalf of whom, and on which issue and using which mechanisms,
- That the diversity of the public should be recognized and accommodated, and
- That public participation must be promoted through creating the right conditions for public participation and to encourage such public participation.

The Public Finance Management Act (PFMA) and the Municipal Finance Management Act (MFMA) both provide for various engagements with the public on matter of the public purse. These include making the consolidated financial statements public, the publication of draft treasury regulations for public comment, the notice of meetings of public interest, making public contracts which extend beyond three years (MFMA s33), the allocation of national and provincial budgets (MFMA s36), publication of the annual budget and its revisions (MFMA s53/54). The MFMA also provides a list of essential information that must be placed onto the municipal web site (s75), but it has been established that many municipalities do not have up-to-date, compliant web sites.

All government departments and agencies hold information as part of the execution of their functions, and access to this information was provided as a right within the Constitution, and this was given substance in the Promotion of Access to Information Act (PAIA) for the goal to “*actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights*” (Preamble). This places a responsibility on all public and private bodies to develop procedures for handling requests for information, and also to publish these in the form of a PAIA Manual. This is a small selection of relevant legislation, and every act provides for some mechanisms and responsibility for interface between the public and government entities.



Needs Analysis: Where we are and where we should be

Every government department and public entity, within every realm and sphere of government, has some responsibility to engage and interact with the public, and the sum total of all of these represents the citizen-government interface. The Constitution identifies how the responsibilities of government are spread and allocated across the spheres of government, such as the split between functions of district municipalities and local municipalities, and the split between provincial structures and local government structures.

Most government departments and public entities have web sites, and on these web sites is a “contact us” link which may or may not provide useful information.

The first step in trying to get help, or to add your voice to a particular debate, is to find your way in – to find the “door” into this level of government. This door may be a physical building you need to get to or it may be a telephone number or a postal address. Once this “door” has been found then the engagement can begin. The search for these “doors” will often require considerable effort with many dead-ends, such as calling the telephone number and being routed from one person to another until the call is cut off or you remain holding on forever while listening to the ring tone or piped music. To be fair, this situation occurs as much in the private sector as in the public sector, but it is unacceptable in terms of its level of service that should be provided to the stakeholders.

Those government institutions that have web sites will generally provide contact details for the institution but these are often inadequate and out-of-date - providing only a single telephone number or email address with no access to help on specific areas of concern.

Review of Current Practice

When considering the problems associated with getting information from government,



and triggering people throughout government into action to help specific citizens, there have been a number of initiatives put into place with varying degrees of success.

The Presidential Hot Line commenced operations on 9 October 2009 and has recently celebrated two years of operations. It boasts a 75% resolution rate for the 111,751 valid calls received as at the second anniversary. However, there is no information provided on how long it has taken on average to resolve one of the issues and I argue that without a process to deal with such queries, distributed throughout each and every state body, it will be a challenge to resolve problems that cover all entities within the whole of government. It is my opinion the Presidency must be commended for initiating this important tool and in achieving this published level of success, and what I am proposing in this paper is a natural continuation and extension of these efforts, by helping to maximize the effectiveness and penetration of the handling of complaints by providing direct access from the citizens to the departments who should respond without the need for a centralized call centre acting as an intermediary or proxy into the real areas of government. However, this is perhaps the first initiative which is attempting to create this “single point of access”.

The Thusong Centres were first established in 1999 to meet the needs of the lack of government support and information in rural areas, and they describe themselves as:

“... a primary vehicle for the implementation of development communication and information, to integrate government services into primarily-rural communities. This was done to address historical, social and economic factors which limited access to information, services and participation by citizens, as they had to travel long distances to access these services.”

Since 1999 there have been widespread adoption of mobile technologies, and whereas there remains growth in the development and roll-out of these Thusong



Centres throughout the country, I argue that much of what they offer can be provided more efficiently and effectively through e-Government offerings. The Thusong web site identifies almost 150 Thusong Centres that have been established throughout the country, with the predominance in Gauteng. However, this is an average of only 1 for every 2 municipalities in the country and to meet the goals of providing such “information, services and participation” without citizens having to travel these long distances it is necessary to have perhaps one such centre per ward in each rural municipality, perhaps 2000 or more in total. These Thusong Centres are expensive to build and to maintain, and I argue that whereas they are addressing the right problems, there are more effective and efficient ways to provide the same level of service to the citizens using the mobile web.

These two examples, of the Presidential Hot Line, and the Thusong Centres, are both traditional approaches that do not exploit the potentials of e-Government solutions, and I thus also have analysed a small selection of government web sites to see what they offer through digital technologies.

Best-practices are provided by the metro councils, and I have selected Johannesburg as an example of this. Their web site provides most of which a citizen will require and it is up to date and is easy to navigate. There are access points for every service, although these are primarily in the form of call centre numbers, rather than direct interaction through the web. This web site identifies the full range of services provided by the council, mostly accompanied by descriptive information, frequently asked questions (FAQs) and the contact details. Johannesburg and the other metros have the capacity to provide this level of service, but most district and local municipalities are severely incapacitated in their provision of such services.

A rural example I have selected randomly is the municipality of Umzumbe in the Ugu district of KwaZulu-Natal - representing a community of around 190,000 people. They



have a web site, and have a contact number indicated, but their “contact us” page has program bugs which prevent the contact form from being displayed properly, rendering this page almost useless. They do not have direct numbers into the various departments, and the citizens will be required to use the central switchboard to gain access.

As final example, I decided to seek out information on housing within the Free State province, and opened up the Free State web portal and found the Human Settlement section at the bottom, from which I selected the housing link, but this seemed to go nowhere. The page timed out and I then tried all other links under human settlements with the same outcomes. This was unfortunate since all of the other links on the Free State Province home page appeared to be working and it was just the housing section which had a faulty link.

This short case study analysis of three web sites of different public entities has shown a considerable lack of consistency in the quantity, quality and approach to providing information. In all cases there was little or nothing provided to for direct interaction through the web site on key matters of public participation as outlined in the Constitution, such as comments on the IDP drafts through some discussion akin to the NPC Jam portal. Such public engagement is necessary to ensure that the public voice is heard and considered, and it is important to ensure maximum inclusiveness.

What is clear from my analysis of current practice is that the web is not used effectively except in a few rare cases, and that the usage of mobile technologies for public participation is virtually non-existent, except for a few instances in which SMS is used for notification, such as is employed with the Department of Home Affairs.

e-Government and mobile government

The term “e-Government” has been in common usage for at least 10 years, and is a generic term covering all ways that government can provide access to services and

information through electronic means, particularly the various Internet applications of email, the World-Wide Web, and the File Transfer Protocol (FTP). The World-Wide Web Consortium (W3C) has produced a framework for e-Government for web-based services and they describe the problem as follows:

“Current Web technology allows governments to share with the public a variety of information in unlimited quantities on demand. Technology is also available to allow citizens to bring issues of concern to the attention of local, regional and national governments. However, exploiting these capabilities within government systems is a challenge that encompasses environmental, policy, legal, and cultural issues. Establishing effective e-Government requires openness, transparency, collaboration and skill in taking advantage of the capabilities of the World Wide Web. The rich potential for two-way dialogue between citizens and government creates a need for global leadership. ...

This document is an attempt to describe, but not yet solve, the variety of issues and challenges faced by governments in their efforts to apply 21st century capabilities to e-Government initiatives. Detail and useful examples of existing, applicable open Web standards are provided. Where government needs in the development of e-Government services are not currently met by existing standards, those gaps are noted.”

This introduction to their document identifies a number of dimensions of the problem of bringing citizens and government closer using various electronic means, and it gives precedence to citizen engagement with government at all levels of government. Whereas e-Government is possible with current technologies, and has been so for some time, the lack of progress has been largely non-technological, concerning “outdated policies, budgetary and personnel constraints, and a slow-moving, bureaucratic culture”.

I have used a simple model for analyzing the role and impact of e-Government and related information services, using the following four-dimensional framework:



- **ACCESS:** who has access and who does not – what infrastructure is in place in terms of equipment, networks, and broadband – is this suited for people with disabilities, and does it support access in the right language for the user.
- **CONTENT:** what information is available, and what modes of interaction and engagement are possible.
- **CAPACITY:** do the citizens have the capacity to use the services, do they know how to use the web and how to interact with web sites and to use email – do the government departments and public entities have the capacity to provide the content and to engage in electronic discussions.
- **DISPOSITION:** are the various public entities positively addressing these issues or not concerned – is there the political will to get this done.



Participants at the Gauteng Provincial Legislature – Children's Parliament



Access

Providing access to various information sources, or to provide forums for discussions on policy issues, may also have to consider legal and privacy constraints that are not well known. For the vast majority of citizens there is no easy access to the Web through computers and mobile devices represent the only point of access but this has been largely overlooked and one recent study has not considered the impact of the mobile web in e-Government. Access through mobile phones was our point of departure when we started our work in 2007 and this was against the trend of creating local computer rooms and Internet Cafes in order to spurn local basic computer literacy. Our early decision to focus exclusively on mobile technologies was a strategic decision and risk based upon our expectation of the penetration of mobile phones, including smart phones, among the population.

It is now evident that the future of mobile access is guaranteed, and this is coupled with the introduction of the iPad and other tablets as the most likely generic computing device of the future, perhaps soon to be available as the primary information tool for each learner in the country. Access also implies finding the place where the content is stored since, as stated earlier, every public entity maintains their own web site and communications structure, and even finding the web site for a specific municipality has proved to be a challenge. A single point of access is an ideal to which we strive.

Content

Once a citizen has access to the web and other Internet applications, the question arises of what can they do, where do they go, and can they access information which makes a difference in their lives. Whereas much of the modern web is focused on social networking, as well as music and videos, these do not provide benefits for helping to gain access to government, and to play a part in demanding a minimum level of services, and most especially in the rural areas, which have always lagged behind the urban communities. For many of the people living in the poorer areas of the



country there is little or no useful information that is readily available, and this led me to conceive the “Virtual Town Hall” which I outline below.

Capacity

The “capacity” dimension concerns our capability to create and use “access” and “content”. For the public entities this means the capacity to set up and run an eGovernment communications environment. For the citizens and other stakeholders this means the knowledge and capability to use these services.

I have made the realistic assumption that learning to use the Web from a mobile phone is no longer a challenge for anyone, and most learning takes place by informal peer-education, which was never possible for the large-scale development of computer literacy and competency among all citizens. One oft-used statement is that if you do not know how to use your mobile phone then ask a 10-year-old child, but we are now experiencing situations in which these same 10-year-olds are asking the 6-year-olds how to do things. We have a new generation of children who are “born digital” and for whom the mobile phones and other technologies are extensions of the minds and bodies – they have never known life without these technologies. It is this generation that will have significant expectations for how to interface with government when they become adults and need to start participating and demanding answers from government through digital technologies.

It is the capacity of the public entities to engage with citizens through e-Government structures which are the challenge in my opinion, and to meet this challenge I have developed a simple yet universal “Virtual Town Hall” which provided controlled and graduated development of e-Government through a series of levels of increasing functionality leading up to total digital engagement.

Disposition

It is clear from the above that younger citizens do not need any help in using the mobile



web to gain access to government information, but it is the older citizens that have the challenge, and it is important to instill a level of trust in the information content and the reliability and effectiveness of e-Government services. If someone asks for some information, or makes an application, or provides a comment, then they would like continual feedback in order to be assured that the engagement is working, and that they do not have to visit the government offices physically. This is a key for success in any e-Government initiative - that the citizens are continually informed about what is happening, including for areas in which relevant information is pushed to them, such as with the information on impending disasters such as floods and severe storms.

For the public entities, it is the political will that is needed to get this level of engagement started and with the right impetus from the top, this can roll out rapidly to all of government, and to make South Africa the world-wide best practice for citizen-government engagement using the mobile web.

The “Virtual Town Hall” as a conceptual framework

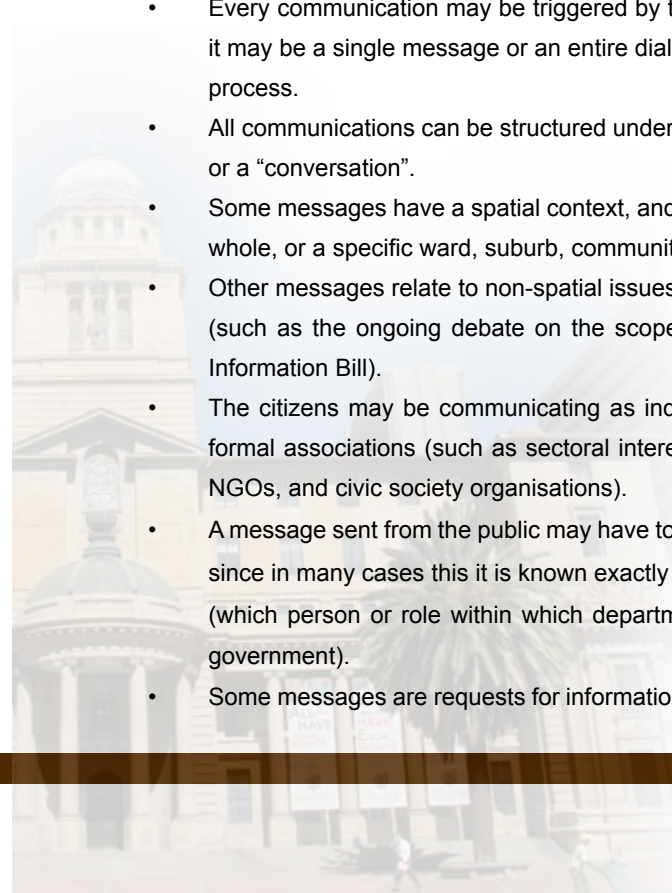
I have outlined the problem space of citizen-government communications, with particular reference to public participation, and I now present my model of the “Virtual Town Hall” as a framework for e-Government using mobile technologies, and in the following section I then follow up with how this is practically implemented. I have called this the “Virtual Town Hall” and envision this as a single place any request for any part of government can be addressed without me having to go elsewhere to satisfy my request. Whereas such a one-stop shop is not practically possible in the physical world, it is possible in the digital world. My first point of departure has been to create a conceptual framework to model the nature of the citizen-government interactions and communications and to produce the basis for further analysis. Essentially this is a theoretical model intended to accommodate all variations of citizen-government communications, including communications sent and received between all spheres of government and all citizens and groupings of citizens.



Within the scope of this analysis, I have not restricted these communications to any particular type, since it is my intention to create a universal model which can be used to understand and explain the nature of these communications and to provide the basis for an effective and efficient implementation of a solution.

The following considerations have informed the development of this conceptual framework:

- Information is critical in all public-participation situations, and the availability of this information in a form suited to the needs of the public is a critical element of success.
- Every communication may be triggered by the public or by the government and it may be a single message or an entire dialogue with a corresponding business process.
- All communications can be structured under the generic concept of a “message” or a “conversation”.
- Some messages have a spatial context, and this may involve a municipality as a whole, or a specific ward, suburb, community, village or street.
- Other messages relate to non-spatial issues, such as debates concerning rights (such as the ongoing debate on the scope of application of the Protection of Information Bill).
- The citizens may be communicating as individuals, or as groups, and also as formal associations (such as sectoral interest groups, ratepayers associations, NGOs, and civic society organisations).
- A message sent from the public may have to be routed to the correct destination, since in many cases this it is known exactly who responds to particular requests (which person or role within which department within this sphere and body of government).
- Some messages are requests for information of a static nature (for example how



to do what) – these do not require replies.

- Some messages are requests that should have feedback and response, such as a request on the status of repair of a pothole, or acknowledgement that a particular comment on the IDP has been received.
- Some messages are driven by government, in order to notify the public of specific events that are of interest to them (including that a particular process has finished such as a driver license awaiting collection, or of general interest, such as a planned power outage which may impact the household concerned).
- Some messages may form part of larger conversation, in which various individuals and groups may be engaged with a government body on a particular item of interest.
- All messages can be tracked and measured which provides the stakeholders with useful information to help improve the response of government to public issues.

These considerations have led me to develop the following conceptual framework for the “Virtual Town Hall” to support a “single access point to government”:

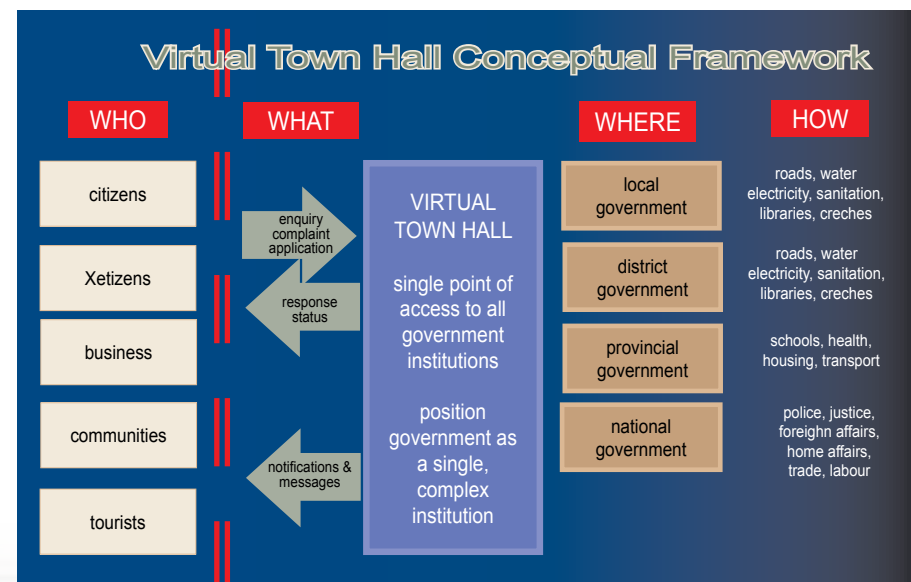


Participants at a Public Participation Event



Figure 1:

Conceptual framework for the “Virtual Town Hall”



This model consists of five sections representing the major flow of messages. Firstly (on the left) are the stakeholders who are the senders or recipients of the messages. Secondly, are the messages themselves, which may be sent and received using a variety of technological methods (SMS, email, web). Thirdly, the “Virtual Town Hall” itself, being the component which routes each message to and from its intended source and destination, including broadcasting of messages intended for a wider audience. The fourth section concerns the government bodies that are required to receive and send the messages, and who must have committed responsibilities and skilled personnel to execute these responsibilities. The final section concerns the specific approaches that will be used to attend to each of the messages which will mostly remain hidden to those using the “Virtual Town Hall”.



WHO – the stakeholders

The term “public” in the context of “public-participation” includes individuals, households, businesses, communities, lobby groups, and a range of other groupings, both formal and informal. I have added an additional class, called the “Xetizens!” who represent the users of our xtownx portal as a distinct grouping apart from individuals. The xtownx portal is outlined below as part of the practical implementation of the Virtual Town Hall. Each of these stakeholders has something to say to government, something to ask, or will receive targeted or broadcast messages from government.

WHAT – the things that needs to be said

What are the kinds of messages which can be passed between citizens and government? My analysis has discovered a very wide range of information needs, with communication priorities that differ between different government bodies although all are drawn from a basis into one of more of the acts and regulations under which they operate, and the operational requirements that are derived from their regulatory frameworks. Each of these messages should be included in a fully-functional public-participation support system.

I cite the following examples:

- Notifications about council meetings and other public meetings within each municipality, including community meetings for gathering information about the needs and communicating the IDP budget processes.
- Applications by a citizen for a specific service offered or controlled by government, and which currently requires standing in line and often travelling large distances.
- Notifications about breaks in service or restoration of services, such as electricity and water
- Notifications about facilities provided by a municipality.



- Complaints by citizens and other stakeholders about a range of issues, and notification by citizens of problems in services.

“Virtual Town Hall” – the single point of access

The “Virtual Town Hall” is the single point of access to government via mobile devices, such as mobile phones and tablet computers. This is a vision I have had for a long time on how anyone should ideally connect to government without knowing in advance where to go. This “Virtual Town Hall” is the single point of access to government from the viewpoint of the users, and internally is structured as a computer program that is able to route messages between the senders and receivers, using a complex set of rules to ensure that this routing is both effective and efficient.

To accommodate this vision, I have analysed a range of messages which are communicated between the public and government, and the context in which these messages are given and have used this to construct a general-purpose model.

Ideally, a message from a citizen to government should not be required to know the exact recipient in advance. If I have a problem with my water supply I want to communicate this to the person responsible within my local or district municipality for water in my area, but without knowing in advance who this is or even having to look up this person in some directory. If I say that my message falls under the topic of “water problem” then I want the “Virtual Town Hall” to route me to the right person automatically. If I wish to comment on a draft bill which is open for public comment I would also like to send this comment under the appropriate topic heading without having to be concerned about whether I have found the person or department responsible. For all messages sent I want to know that my contribution have been received and is being acted upon and my ability to track progress is important in providing transparency about the process.

Message from government to the community should include notifications of upcoming



events and localised service disruptions, or include feedback on the progress of an ongoing process. Some messages are directed to particular individuals, such as library books which are overdue, accounts which are overdue, as well as requests for quotations to local SMMEs.

WHERE – the spheres and bodies of government

There are a large number of government bodies, each with a particular mandate in terms of its constitutional responsibilities with some spatial context. The constitution identifies which spheres of government are responsible for what, and there is some flexibility in the application of the allocation of these functions. The challenge is that the public need to know who to contact about a particular issue or request, and this is often difficult to find the right entry point. What is needed is a complete model of every government body, and its specific functions and spatial responsibility. This is an essential element in the process of ensuring optimal routing of a message from the public to the right government body, and this information is not centralised anywhere at present, and is dispersed amount hundreds or hundreds of web sites, telephone directories and call centres.

HOW – the internal business processes

When a message is received by a government body through the “Virtual Town Hall”, or through other means, this needs to be acted on. This may be a simple request for information, for which a link to a frequently-asked-questions list may be sufficient. However, it may also require a more complex process which will involve much engagement between the government and the stakeholder who initiated the message. The conceptual framework for the “Virtual Town Hall” considers that the manner in which any government body chooses to carry out its functions it essentially its own responsibility, so long as it remains within acceptable parameters for providing a measurable level of response and service.



The “Virtual Town Hall” as a practical solution

Up to this point, my paper has focussed on the motivation for a single point of access to government, and the conceptual vision and framework for the “Virtual Town Hall”. However, it was never the intention to merely construct an analytical framework and theory, but rather to accelerate the benefits to all stakeholders through practical implementation of this vision.

The xtownx mobile portal

In 2007 I commenced design and development of a portal, called xtownx, to provide useful local information content to residents and visitors in small towns and rural communities using mobile phones as the access point. My initial goal was to enable and accelerate local economic development by improving access to relevant information, and was particularly intended to benefit those in outlying areas for which access to information is always a struggle. Essentially, this is an Information Society project which is addressing the digital divide.

Whereas xtownx was originally developed for the needs of the smaller towns it is now being implemented in various larger towns and cities and in metropolitan areas. Around 600 towns and cities have been identified as part of our roll-out in 2012. The gathering and maintenance of this local information is a challenge, and my roll-out process involves the creation of around 2000 direct local jobs and up to 10,000 indirect jobs for xtownx “researchers”. Whereas creating such jobs creates a significant responsibility for payment of the employees, xtownx is based on a sustainable business model which provides income to support this number of people without external funding. However, external funding may be used to accelerate the process and to provide benefits earlier.

The name “xtownx” reflects the nature of town-based information, as distinct from the global focus of the large-scale social networks of information, and x’s in the name represent the flow of information both within a town and with external sources. The



model created for xtownx has proved to be highly generic in its applicability, and has been adapted to support the needs of local tourism and e-Government. This is the home of the “Virtual Town Hall” that we have created within RLA, and is a private initiative to assist people with access to government, and is being developed currently with no major external funding, although a small grant from SAFIPA has helped the development of a pilot in Tzaneen for the xtownx tourism portal.

To use the xtownx portal, a user will access the Web from their mobile phone or tablet, go to the address www.xtownx.co.za, register for a user account, and then log in. The user will then select their towns of interest, such as where they live, where they work, or where they currently are visiting, and can then select a range of useful information about the town, such as where to stay, what to do, who to call in emergency situations, where the tourists sites can be found, and a comprehensive directory of local businesses and services. From here they then have access to the “Virtual Town Hall”.

The xtownx “Virtual Town Hall”

Within the “Virtual Town Hall” a user can select from a range of issues on which they need help or wish to comment, complain or inform. This provides information on the local municipality, the district municipality if this is applicable, and the provincial structures, and provides a direct access to every government body to which they may need access from their current position.

To send a message, the message type is selected, and this then does an internal lookup as to the responsible government body and the message is then sent and will be routed through the right person using the internal routing programs. This message is then monitored and tracked so that each user of the xtownx portal can follow the progress of their requests, comments and complaints and can report any lack of response from the target departments and bodies. This approach will prove to be a significant challenge for the various government departments, in having to adapt to a new form of communications, but this modern approach holds the promise



of considerable improvements in effectiveness, efficiency, transparency and equity in access to government by the public.

Public entity adoption into the “Virtual Town Hall”

The term that we use to describe the introduction of the “Virtual Town Hall” within a specific government body is “adoption”, and this will structure e-Government development through a sequence of well-defined stages of increasing maturity and capability. It is unreasonable to expect a specific government body to immediately adapt itself to a new communication channel without considerable attention to change management, training, and the introduction of new business processes.

However, the benefits that accrue will include improved communications with the public, and will lead to greater efficiencies in operations, while also providing a far greater effectiveness of their services. The ability to respond timeously to public comments, complaints and information, as well as formal requests for information and applications for services and licenses, should be part of any measurement system and are a core element of the KPIs. The “Virtual Town Hall” provides an opportunity to improve performance in public communications and public interactions and can be accomplished with relatively very little effort and cost.

The steps in this “adoption” process are of increasing capability, so as to not overly tax the administration capabilities of the government body concerned, and also to offer early rewards and quick wins in the process. These steps are as follows:

Step 1:

Identification - it is firstly necessary to identify the body concerned and its responsibilities to a well-defined set of stakeholders. In some cases a large body should be naturally divided into small units for implementation. It is not reasonable to address the needs of an entire Province as a single body, but it may be possible to deal with each Provincial Department as a unit.

**Step 2:**

Analysis - it is important to understand the full scope of the interactions with the public, and this requires analysing all of the communications, in terms of their frequency, priority, and complexity, and the current approaches used to deal with these communications. These will include messages received from the public, and those sent out to the public. This analysis may reveal a host of messages concerned with interactions with other government bodies, but this is not of immediate concern in the implementation of the “Virtual Town Hall”.

Step 3:

Prioritisation - a series of priority steps should be identified in terms of which messages are or higher priority than others in terms of the impact on improvements. Low-priority, less-frequent messages should be implemented later than high-priority, frequent messages.

Step 4:

Design - Each of the messages can be formally structured into the “Virtual Town Hall” in various ways. Static data should be made available for reference without the needs to create messages, and others may require complex message interactions for which email may be more suited.

Step 5:

Implementation - the implementation of a message requires that there is a commitment from the unit concerned, the training of the personnel to receive and process such messages, and the development of the message processes within the “Virtual Town Hall” for this message. Once implemented, this will then appear as a new message type on the “Virtual Town Hall” for all users within the spatial scope of the government body.

Step 6:

Promotion - the availability of this new service should be promoted and advertised



to enable the public to use this as an alternative to the traditional methods of communications. This may itself be a challenge, but for this the existing user base of the xtownx portal may prove to be itself a suitable marketing tool.

Step 7:

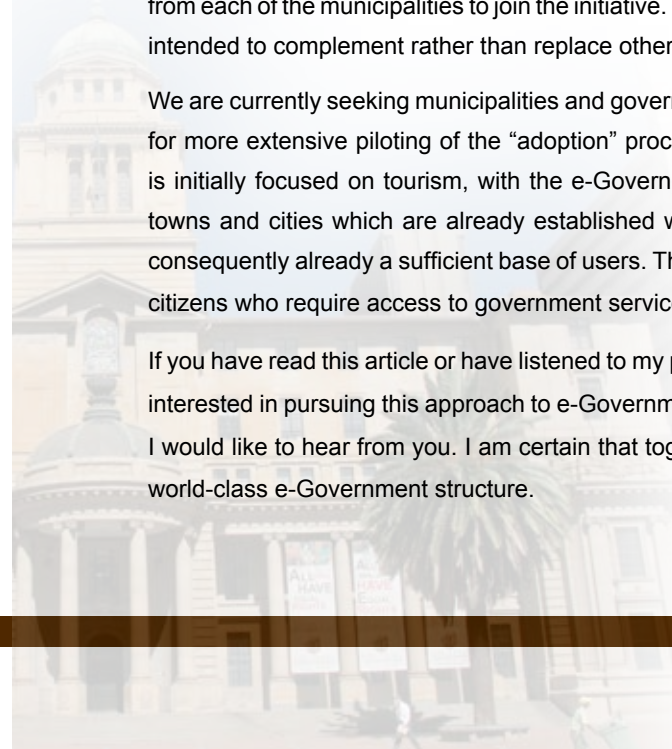
Monitoring and Evaluation - the performance of this message is then evaluated over time in terms of frequency of usage, response timings, and unresolved issues. For the first time, the government body concerned will obtain accurate information on the effectiveness of their public engagement.

Discussion – the way forward

The current status of our work on the “Virtual Town Hall” is that we have designed and developed this model, and have run pilots on simulated examples. Our plan is to initially provide a range of static information on municipal services and to obtain commitments from each of the municipalities to join the initiative. This is a non-exclusive arrangement, intended to complement rather than replace other e-Government initiatives.

We are currently seeking municipalities and government departments that can be used for more extensive piloting of the “adoption” process. Our roll-out process for xtownx is initially focused on tourism, with the e-Government facilities being introduced into towns and cities which are already established within xtownx and for which there is consequently already a sufficient base of users. These are the same users who are the citizens who require access to government services and support.

If you have read this article or have listened to my paper at the conference, and you are interested in pursuing this approach to e-Government in your department or institution, I would like to hear from you. I am certain that together we can create the vision for a world-class e-Government structure.





Municipal E-Participation Pilot Project

*Presented by Stefan Stautner: LG ICT Network**

Background

SALGA, in partnership with the German International Cooperation (GIZ) as part of the Strengthening Local Governance Programme (SLGP), completed a study in End 2011 on the potential for Information and Communication Technologies (ICTs) to be utilised in innovative ways to enhance citizen participation and social accountability in local governance, also simply referred to as e-participation. The research revealed a number of possible ways in which ICTs can be used as practical, effective and complementary mechanisms for improving two-way communication between municipalities and citizens and stakeholders, thereby contributing to more participatory and responsive local governance.

As an extension of this e-participation study, SALGA and GIZ-SLGP are embarking on an initiative to investigate and demonstrate practical e-participation solutions through the implementation of a pilot project with a select group of municipalities. Given the high penetration of cell phones and relatively low levels of internet access amongst the general population, the pilot will concentrate on the use of mobile phone communication, particularly SMS, as one form of e-participation.

SMS-based communication has the advantage of enabling municipalities (councillors/administration) to communicate with and receive feedback directly and cost-effectively from residents and stakeholder groups. This can potentially give municipalities a better understanding of and ability to respond to community needs/concerns, help promote trust and confidence in councillors and the municipality, improve service delivery and stimulate more active, and cost-effective, participation of citizens in local governance.



For example, municipalities can use the SMS communication system for sending messages to residents/stakeholders on a broad range of topics, including: contact details for ward councillors, notices of opportunities to participate (e.g. ward/ward committee/IDP/budget meetings, izimbizo etc.), satisfaction surveys, and service delivery notices. The kind of feedback municipalities can receive from residents via SMS could include: input on development priorities (e.g. linked to IDP/budget consultations) and proposals, such as new policies, by-laws and tariffs, inputs on surveys or logging service delivery faults.

As part of the pilot project, a workshop was held on 12th July 2012 in Pretoria with a group of invited municipalities nominated by SALGA Provincial Offices and GIZ-SLGP.

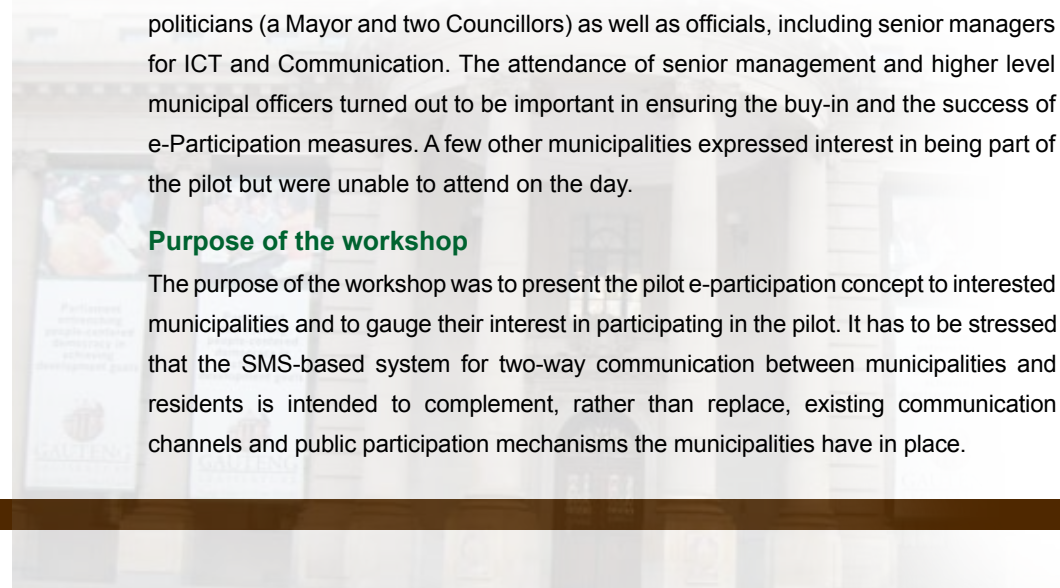
*The full report can be accessed at <http://lgict.org.za/document/study-potential-utilize-information-and-communication-technologies-ict%E2%80%99s-promote-inclusion->

Participants

Twenty-two individuals, sixteen of them from 9 different local municipalities, participated in the workshop. Representatives of the municipalities included a mix of politicians (a Mayor and two Councillors) as well as officials, including senior managers for ICT and Communication. The attendance of senior management and higher level municipal officers turned out to be important in ensuring the buy-in and the success of e-Participation measures. A few other municipalities expressed interest in being part of the pilot but were unable to attend on the day.

Purpose of the workshop

The purpose of the workshop was to present the pilot e-participation concept to interested municipalities and to gauge their interest in participating in the pilot. It has to be stressed that the SMS-based system for two-way communication between municipalities and residents is intended to complement, rather than replace, existing communication channels and public participation mechanisms the municipalities have in place.



Participants' expectations

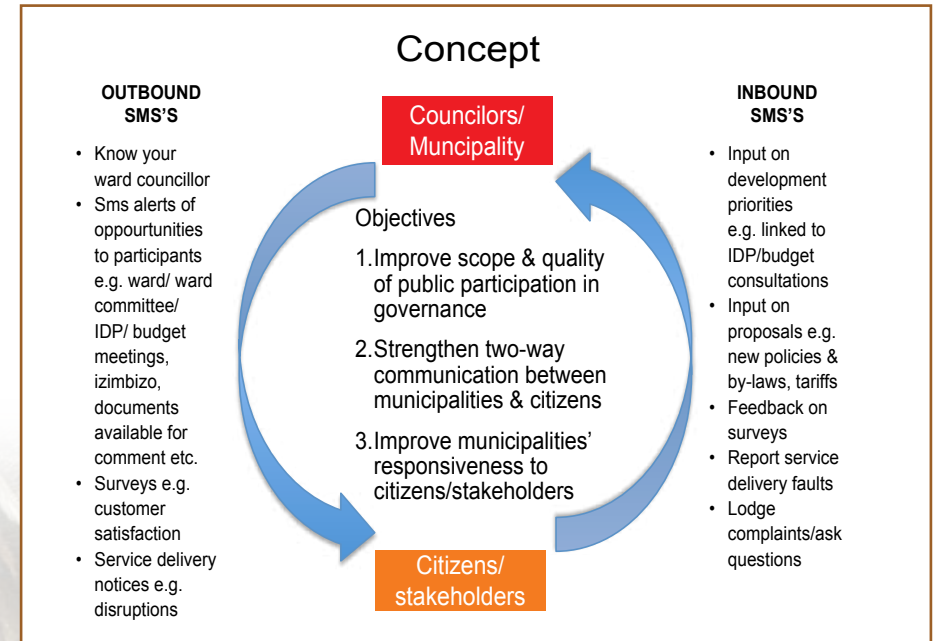
An opportunity for participants to share their expectations of the workshop revealed common interests in gaining a better understanding of e-participation and the proposed pilot project, how municipalities can make their communication with residents more effective through the use of SMS as well as other tools, such as social media, and how they can participate in the pilot.

E-participation study and pilot concept

Based on the study, the utilization of mobile technology, in particular SMS-based communication was identified as a potentially effective e-participation instrument. Among the reasons for this are that: the majority of residents have access to cell phones; SMS's are likely to be read and are therefore more reliable than some other communication channels; it is an especially attractive communication medium for youth; it can assist in making communication more inclusive (e.g. for people with disabilities); it is cost-effective; and it helps address communication difficulties related to large distances.

The advantages for municipalities of utilizing SMSs for communication are that it offers a direct channel of communication with citizens/stakeholders, which enables municipalities to potentially have a better understanding of their residents' needs and concerns and it can help promote public trust and confidence in councillors and the municipality. For citizens and other users of the system, the direct communication with the municipality allows for potentially greater participation and oversight in local governance processes, and with that, potentially improved service delivery.

While the SMS concept holds numerous potential benefits for both municipalities and residents, a caution was made that once the system is initiated it needs to be sustained, as an abrupt discontinuation can be potentially very damaging to the municipality's reputation and public trust in the institution.



A further point noted was that the SMS-system should be seen as a complementary tool to empower councillors in fulfilling their responsibilities and should not be viewed as a threat to their legitimate representative role. It was also emphasized that SMS communication should be utilized as a part of a holistic package of communication instruments by municipalities, including for example traditional methods such as face-to-face meetings, print media, radio, and newer technologies such as social media (e.g. Twitter, Facebook).





**EMAKHAZENI
LOCAL MUNICIPALITY
PUBLIC NOTICE**



SMS HOTLINE

The hotline number to which all enquiries can be sent is 32379.

sms's costs R1.00

Email. hotmail@emakhazenilm.co.za

For municiple related enquiries, Emakhazeni Local Municipality has launched a short - message - service (SMS) hotline and e mail operating during office hours

By texting or e mailing in the following manner, your enquiry will be referred to the relevant official for attention:

KEYWORD: FINANCE or TECHNICAL or COMMUNITY or OTHER

MANDATORY INFORMATION:

- Your full name
- Your municiple account number or stand number
- The area of your residence, e.g. Belfast/Emgwenya, etc.
- Your comments

Emakhazeni Local Municipality Case Study

Emakhazeni is a predominantly rural, sparsely populated municipality. The municipality's main aim with instituting the SMS system was to improve communication with their constituencies on a low-cost basis. The key steps in setting up the system consisted of, firstly, appointing a service provider for the web-based SMS platform and, secondly, building a database – in ELM only three pieces of information are requested from residents: their cell phone numbers, their names and their location. Mr Carroll emphasized that it is important that subscribing to the SMS system be voluntary.



Initially the system was tested with municipal staff and their contacts. When it was ready to go live the municipality advertised the SMS a short code number through local newspapers, notice boards and the municipal website. Currently there are approximately 5000 residents registered on the system, although more residents are likely to be reached through recipients forwarding messages.

According to Mr Carroll, the benefits of the SMS system have been dramatic. Compared to before the system was introduced, attendance at public participation meetings has increased substantially ("now we can fill a hall"). The system has enabled the municipality to interact with residents on a much more regular basis. The "power of SMS" in keeping residents constantly informed has been a key factor in there having been no community protests in the municipality in the last two-and-a-half years. The system is perceived to be so successful that even Eskom has approached the municipality to send messages to residents who receive power directly from Eskom.

Two important lessons from ELM are that:

- It is crucial to build the community's trust in the system, which can take time (in ELM it took six months to overcome residents' initial skepticism).
- Security around the system is critical to prevent abuse and maintain residents' trust: in ELM only three officials have access to the database and are authorized to send messages on behalf of the municipality.

Discussion

The following questions and points appear to be of interest and importance to the interested municipalities:



Questions	Responses / discussion points
What are the costs involved with implementing an SMS system?	In ELM for example, the only cost is a R600 monthly fixed charge the municipality pays the service provider for hosting the online SMS platform. This currently allows the municipality to send an unlimited number of SMSs per month. There was no additional cost for setting up the web-based SMS platform. The point was made that it is important for municipalities to negotiate fixed rates with service providers. Per SMS billing is not feasible, especially for larger municipalities.
How does ELM cleanse its data for the purposes of sending out billing information via SMS?	Currently in ELM the system is not linked to the billing system and is not geared to sending out individual messages (rather more general messages to groups e.g. power outages, low water pressure). However, individual residents can send their billing queries to the municipality using the SMS system. A caution was noted that municipalities should be careful not to rush into using the system for billing purposes as this could damage the public trust and interest in subscribing for the purposes of e-participation. A suggestion was however made that municipalities can send the short code number with posted accounts, giving residents the option to subscribe to have their accounts sent by SMS
How are incoming SMS's processed by the municipality?	All incoming SMS's are received by the ICT department (3 individuals), and from there are distributed to the relevant persons in the municipality to deal with. An electronic "paper trail" is maintained for all messages to track how they are processed. In ELM the effectiveness of processing incoming SMSs has been assisted by the fact that the ICT department is located in the Municipal Manager's office
Does the system require additional technology?	In its most basic version, as is being operated in ELM, only the web-based platform, which can be accessed via a laptop, is required
How many SMSs are sent out by ELM per month?	Between 60 -100 individual messages are sent to different contact groups. In total approximately 6000 messages are sent out per month
Is it possible to send unique messages to the same contact group (e.g. same message but in different languages according to groups' language preferences)?	Currently in ELM this is not possible but the municipality is planning to introduce this functionality. It is technically possible.
In what languages are messages sent?	Currently in ELM mostly in English, although increasingly now also in isiZulu.
What was ELM's strategy to build public trust in the SMS system?	The most important thing was to insulate the system from any party political or commercial interests. In the case of ELM the administrators have the full support of the municipality's leadership to prevent this. A key lesson in ELM is to keep control of the system centralised, among a small number of trusted officials.

Experiences with e-participation from other municipalities

Some other municipalities shared information about the current communication channels in place in their municipalities, as well as if they are using, or are planning to use, any e-participation mechanisms.



The communication instruments utilized by most municipalities were: ward councillors and ward committees, community meetings, local media (print and radio), call centres, community development facilitators, Thusong Centres, door-to-door campaigns, email and municipal websites.

A few municipalities indicated that they have provided all councillors with laptops to make communication more effective, especially where large distances pose a challenge, as well as to cut down on unnecessary printing.

One municipality, Nama Khoi in the Northern Cape, mentioned the use of a public LED screen, which is located in the centre of town at a taxi rank and which is used successfully for screening municipal and other government information and events.

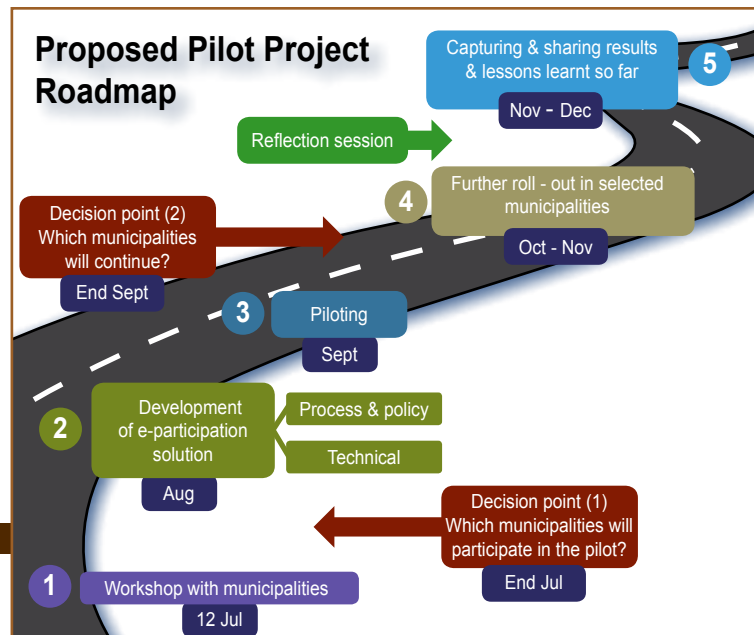
A few of the municipalities stated that they are using social media, such as Facebook and Twitter. This stimulated a discussion around the effectiveness and practicalities of using these tools. It was agreed that it would be helpful for SALGA to provide municipalities with some useful guidelines on how to make the most of social media tools to communicate with their constituents.

There was general consensus amongst the municipalities that using SMSs would be a highly useful and complementary communication tool, and that there appears to be a demand for such a communication channel from residents. Besides Emkhazeni, Greater Tzaneen, Mbombela, Knysna, Randfontein and Nama Khoi Municipalities either have SMS systems in place, or are in the process of introducing them. All were looking to improve or expand the use of their systems. Knysna and Mbombela Municipalities, for example, currently use SMS for billing-related communication with residents, while Randfontein and Greater Tzaneen use SMS to communicate only with councillors. All municipalities are interested in incorporating e-participation into their SMS systems.

Proposed pilot project roadmap

An overview of the proposed next steps for the implementation of the pilot project (see diagram below). Five steps in the pilot project have been envisaged:

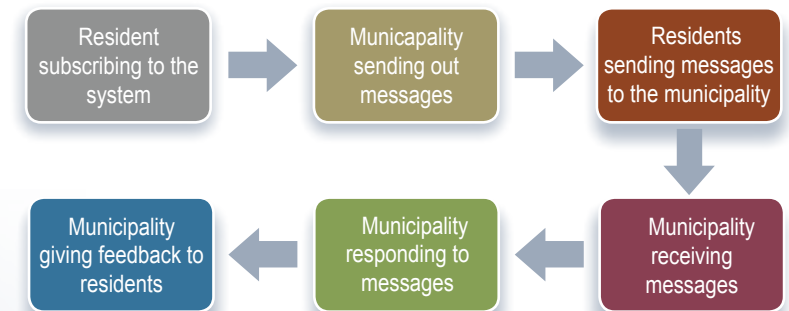
- Workshop with municipalities. Following the workshop, all participating municipalities will have the opportunity to formally apply to be one of the pilot municipalities.
- Development of e-participation solution in each of the pilot municipalities, using a generic approach that will take into account process and policy considerations as well as technical elements.
- Piloting of the e-participation solutions in the selected municipalities, followed by a decision about which municipalities will continue in the project (to be confirmed by the municipalities). Further roll-out of e-participation solution in selected municipalities, including a session with all participating municipalities to reflect on and share results and lessons learnt so far.
- Capturing and disseminating results and lessons from the project.



Process and policy considerations

It is important to plan the process and policy considerations involved in each aspect of an SMS-based e-participation mechanism in municipalities carefully and beforehand.

The basic process is described in the diagram below:



For each step, municipalities need to consider the practicalities and risks involved. It was recommended that these should be captured in the form of a policy, which can either be a stand-alone SMS or e-participation policy, or integrated into the municipality's existing communication policy.

The importance of having some kind of monitoring and evaluation framework in place was also emphasized. It is imperative to understand the current situation in the municipality with regards to communication and public participation, and to develop appropriate indicators to measure whether and how the introduction of the SMS system will have a positive impact on participatory local governance in the municipality.

Technical solution options

There are different technical solutions each with advantages and disadvantages, and different comparative costs. The two options for the pilot are a web-based platform or local SMS software.

The preferred system is the web-based solution, similar to the one being used by Emakhazeni. Each solution can be broken down in practical steps involved in using the system according to each of the processes outlined in the diagram above.

SALGA/GIZ did facilitate the procurement of one generic service provider solution for all municipalities participating in the pilot project. In the longer-term, based on the insights obtained through the pilot, SALGA's interest is to identify and negotiate the best deals for all municipalities wanting to implement SMS-based e-participation solutions. It was agreed that it will be important that whichever service provider solution is obtained, the system is compatible with and can be integrated into municipalities' existing ICT systems. Municipalities participating in the pilot should also have the freedom to exit when they want to, or migrate the SMS-system over to another service provider.

Municipal readiness checklist

The intention of the checklist is to assist municipalities to identify whether they have the necessary political and administrative support, and internal capacities, in place to embark on the pilot project. The checklist will consist of three dimensions:

- Municipal pre-conditions that need to be in place before a municipality can or should consider an SMS-based e-participation initiative.
- Conditions that need to be in place before a municipality could be considered for participation the pilot project.
- Conditions that need to be in place before municipalities should consider launching (going live) with the SMS e-participation system.

For each dimension, criteria will be defined according to different categories (e.g. political and administrative leadership buy-in, demand from citizens, processes, policy, technology readiness etc).

SALGA/GIZ will assist the pilot municipalities through identifying and possibly procuring suitable service providers for the web-based SMS platform, facilitating learning



between the municipalities, and providing generic policy guidelines for the use of SMS and social media. It was discussed that it would be useful to establish an online forum on the LGICT Network website to enable the municipalities participating in the pilot to share progress with implementation.

Way so far & forward

- SALGA/GIZ got all the e-participation Readiness Checklist and circulated to municipalities (those that attended the workshop and others that indicated interest but were unable to attend).
- Municipalities have been selected to participate in the project.
- Procurement of Mobile Message Services from a Service Provider.
- Legal Guideline for Local Government use of SMS and Social Media finished and distributed.
- Hands on workshops have been conducted in two municipalities in the Northern Cape.
- SMS Short Codes and Credits have been distributed to 4 Municipalities.

All Information can be found on the LG ICT Network <http://www.lgict.org.za>).



Participants at the Gauteng Provincial Legislature –Children's Parliament



Transmedia storytelling:

Techniques and innovations for community animation in the digital age

Presented by Steve Banhegyi: Johannesburg, South Africa

Abstract

A storytelling-based approach to community engagement provides an authentic, intuitive and very African way of stimulating desired values, perceptions, relationships and behaviours. This is vital work because through it, you can influence the level service delivery satisfaction and the way your stakeholders and customers view your products, services and organisation. Ask yourself; if you aren't controlling the story, who is? This presentation helps you to reconsider and revitalise the story of your brand/organisation and explore powerful techniques of telling it. Key areas covered in this paper include:

- The concept of community animation.
- What makes a story powerful?
- Storytelling for community animation -defining the community.
- How do you find and create stories?
- How do you test the story?
- How is the story managed?
- How to tell the story? Using transmedia, multi-channel storytelling.
- Relationship management, stimulating and working with feedback.

About Stories

Stories are vitally important in life. In fact, one may see lives of individuals and organisations as stories. We think in stories and represent the world and ourselves as stories. We know that stories can change and that these changes in story are accompanied by changed perceptions, beliefs and action.



Life is story. Just think about that idea for a moment. Whatever we know of the world and ourselves is made up of myriad stories that we hear, tell to ourselves and pass onto others. These stories not only describe the world, they literally formulate our identity, our relationship to the world and, ultimately, the way in which the world relates to us.

"It is the story you tell and the way that you tell it that motivates people to believe in, buy, work for, pay attention to and invest in your dream"

Story is also vitally important because all political power is contained in story. When the story collapses, humans resort to violence and brutality; a compelling reason to be discerning about the stories you tell, pay attention to and are part of. Becoming more deliberate about the stories you construct and repeat about yourself, your work and your favoured "brands" can be enormously liberating. In fact, these stories have the ability not only to describe but to create new possibilities and realities.

The concept of community animation

Community animation is a concept well known to marketers under another name; campaign management. The idea of Community Animation seeks to:

- Identify characteristics of the community/audience.
- Visualise what changes/values/behaviours you want the story to exemplify.
- Listen to the stories that are currently being told in the community.
- Create a story and test it on select members of the audience updating where necessary.
- Tell the story to the community – repetition and use of multimedia is important.
- Enable feedback from the community.
- Update the story to accommodate the feedback.

The role of feedback is vitally important in community animation and serves to engage the audience and their views in our storytelling.



What makes a story powerful?

A story may be considered powerful if it fulfils the following criteria; the more criteria met, the more powerful the story:

- The story can be told simply and quickly.
- The story has emotional impact and certain emotions become associated with the story.
- People talk about the story.
- People think about the story.
- The story can influence what people do, do not do and allow to happen.
- When told and re-told, the story maintains its essential integrity (it remains the same as it is shared).
- The story has a logo, imagery and a set of colours associated with it.
- The story has theme music.
- A computer game is made based on the story.
- The story appears and is referred to in a variety of media such as t-shirts, the internet, posters, radio etc.
- The story appears in mainstream media.
- The story spawns memes that are replicated in various media.

Story-telling for Community Animation - Defining the community

What characterises the community? What are their qualities? What are the major issues being spoken about in the community? These are just some of the questions we need to answer when defining the community. The goal of community definition is to have a clear idea of whom you are telling the story to. This will be helpful when developing and telling the story. In defining the community, a clear and honest picture of the kinds of people you are trying to reach is fundamental to engaging the community; Know who you are speaking to!



How do you find and create stories?

To find the stories, you have to ask the right questions and then you have to listen carefully to the responses. Some of the questions you could ask include:

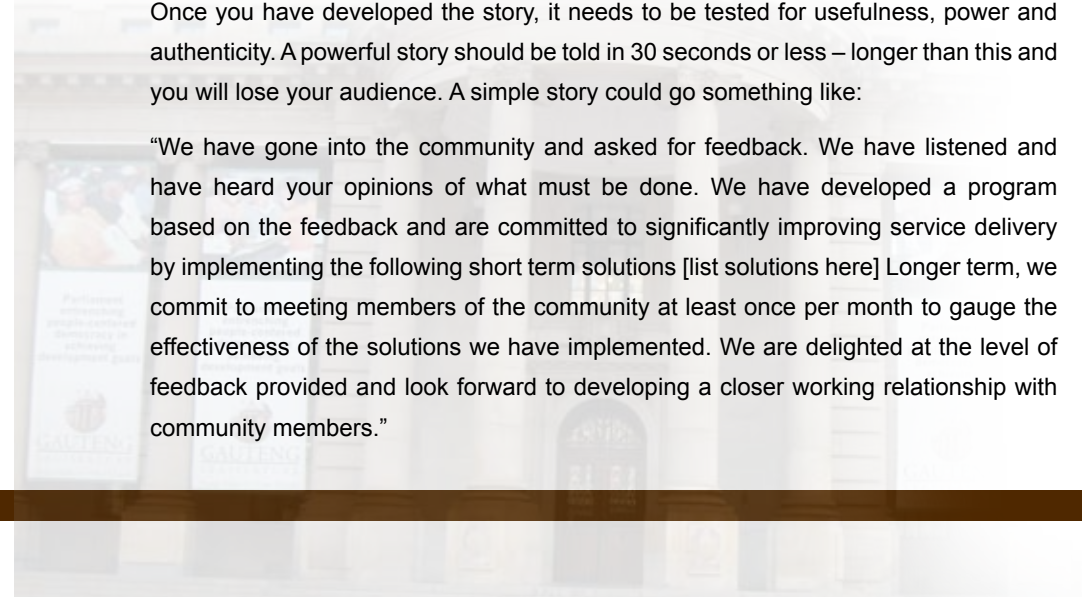
- Describe a time when you received really great service delivery?
- How do you think that service delivery could be improved?
- How do you think working together would improve service delivery?
- What should we be doing to improve service delivery?
- What sort of things should we be doing that would give you the sense that we were providing really great service delivery?

The responses to these questions should give you a good idea of the things that you need to be seen to be doing that create the impression that a) you have listened to the feedback and b) that you are acting to improve service delivery based on the feedback. The most important aspect of this feedback loop is to demonstrate that the community voice and opinions are being used to improve delivery of service.

How do you test the story?

Once you have developed the story, it needs to be tested for usefulness, power and authenticity. A powerful story should be told in 30 seconds or less – longer than this and you will lose your audience. A simple story could go something like:

“We have gone into the community and asked for feedback. We have listened and have heard your opinions of what must be done. We have developed a program based on the feedback and are committed to significantly improving service delivery by implementing the following short term solutions [list solutions here] Longer term, we commit to meeting members of the community at least once per month to gauge the effectiveness of the solutions we have implemented. We are delighted at the level of feedback provided and look forward to developing a closer working relationship with community members.”



Auditing the story

Our assessment is built upon 15 criteria at the heart of all memorable stories that are designed to promote certain values, behaviours and attitudes. These elements are proven to accelerate how well a story travels across culture, and serve as the baseline factors for our story benchmark:

Criteria	Reinforcing factors
Mood	Context, emotion, and location
Structure	Genre, plot progression and dramatic tension
Characters	Identifiable heroes, allies, and adversaries
Destination	Vision, trajectory, and forward movement
Truth	Defined stance, worldview, and perspective
Time	A sense of history, memory, and location
Aesthetic	Visual, visceral, and sensory experience
Wonder	Curiosity, mystery, and intrigue
Myth	Timeless, universal, and archetypal
Believability	Trust, worth, and credibility
Authenticity	Passion, conviction, paradox, irony
Participation	Invitation, engagement, and intimacy
Celebration	Arrival, identity, and status
Stimulate Action	Action and value stimulated in audience
Visual Reminders	Multimedia reminders of story

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How to Apply the Findings

The Audit provides executive-level insights into the vocabulary of story, and illustrates how the current story structure may both enhance and hinder the brand in question. Results from the assessment are further designed to guide a conversation for how to better align the brand story with a client's strategic needs.

How is the story managed?

Ideally there should be someone in the organisation tasked with acquiring, designing,



telling and updating the story. The problem is to select the right role as it may not exist in the organisation. Ideally, we should have some kind of structure that meets regularly to update and refine the story. The structure should include heads of the various departments within the organisation who provide services to the community.

The objectives of story management include:

- To integrate received feedback into the story where necessary.
- To update and refine the story.
- To look at innovative ways to engage the community further.
- To look for ways of telling the refined story to the community.
- To search and document and integrate the stories of "success" and "failure" (learning) into the story.

How to tell the story? Using transmedia, multi-channel storytelling

Transmedia storytelling seeks to tell and re-emphasise the story using a variety of media that typically today consists of Web, Print, Radio, SMS messaging and rituals to name a few. A characteristic of powerful stories is that they are often told using different media – transmedia storytelling deliberately uses of variety of media channels to "drive the story home".

Transmedia storytelling, also known as multi-platform storytelling, cross-platform storytelling, or transmedia narrative, is the technique of telling stories across multiple platforms and formats using current digital technologies. From a production standpoint, it involves creating content that engages an audience using various techniques to permeate their daily lives. In order to achieve this engagement, a Transmedia production will develop stories across multiple forms of media in order to deliver unique pieces of content over multiple channels. Importantly, these pieces of content are not only linked together (overtly or subtly), but are in narrative sync with each other.



The term Transmedia has been adopted into marketing as the description of a 'media neutral' approach to the communication of the message. Transmedia is a broader interpretation of the dated term 'multi-media'. Aside from the proliferation of user-friendly technologies, transmedia storytelling derives from both the drive of the entertainment sector to use innovations to increase profit and from the desire of audiences for more complicated narratives allowing for participation and sharing. Specifically, for producers, transmedia narratives are quite cost-effective, part of what makes it sometimes described as "the future of marketing".

More broadly, transmedia storytelling demystifies the interrelatedness of different narratives and media, a quality commonly known as inter-textuality. In the case of television shows, for instance, "television producers are developing transmedia narratives to cater to consumers who are willing to follow their favourite shows across multiple media channels".

Media Channels available for Transmedia Storytelling

- Community websites (Facebook, twitter etc.).
- Intranets.
- Internet (email, surveys, campaigns etc.).
- Wikis & knowledge sharing spaces.
- SMS messaging.
- Visual Imagery Posters, Badges, Clothing, Banners, Screen Savers, Videos.
- Rituals.
- Auditory Imagery Soundscapes, ambient sounds, music, storytelling sessions.
- Olfactory Imagery: Engineering of smell.
- Kinaesthetic.



Relationship management; stimulating and working with feedback

The transmedia storytelling approach achieves authenticity by engaging the community in a dialogue that builds relationship and trust. At the core of this relationship lies a feedback system that provides the kind of information that is vital in improving the level of service delivery by focusing on the right things. By knowing what the community wants and aspires to, the service provider can align activities to achieve and report back on progress on-going.

The important idea here is that when you request performance-improving feedback, you need to demonstrate your commitment to learning and growth by using the feedback provided. Your use of the feedback also provides further opportunity for feedback into the system. This underlines the co-operative approach to community upliftment and service delivery to which you are now committed.

The important aspect of feedback is that when committing to feedback, you must be available to give, receive and integrate feedback as promised. And you must be seen to be using effectively by the community.

The Art of Feedback

If you are not failing at something, you aren't learning anything new

When most of us were at school failure was seen as something that was negative, should be avoided and often worth punishment. And yet most learning theorists agree that it is only through failure that we really learn – as opposed to just memorising. Failure is useful when it helps us critically appraise our own performance. This is evaluation is an example of feedback. A simple way to think of feedback is experiencing the output of your own performance as a new input. Students of psychology and education are becoming increasingly aware of the vital role that feedback plays in how we learn.



All complex systems (like your body, your organisation, your family, your community) change their behaviour or learn through feedback - even if this means weaving in and out of the best path (like Wiener's boat example) rather than sticking to the best path in any strict way.

Even if you cannot predict the outcome, turning up the volume of feedback will always produce more sustainable results. As long as all the bits are talking to each other, something better will emerge.

The concept of feedback was developed by Norbert Wiener, who used the analogy of someone steering a boat: "When the boat deviates from the present course, say to the right, the steersman assesses the deviation and then countersteers by moving the rudder to the left. This decreases the boat's deviation, perhaps even to the point of moving through the correct position and then deviating to the left. At some time during this movement the steersman makes a new assessment of the boat's deviation, countersteers accordingly, assesses the deviation again, and so on. Thus he relies on continual feedback to keep the boat on course, its actual trajectory oscillating around the present direction. The skill of steering a boat consists in keeping these oscillations as smooth as possible." **(Capra 1996:57)**

Feedback can be seen as a flow of information, in the in-between spaces, that constantly invites new responses from all the parts, improving the quality of all relationships within the system and allowing a system to learn how to do more for less effort. Sometimes something completely new and unexpected can arise out of the in-between spaces and take the whole system to another level.

Feedback allows you to make those corrections to your own behaviour that are necessary to lift your performance to another level. But how, and from where, can we get effective, reliable and performance enhancing feedback in the systems in which we



live and the organisations in which we work? Many people respond quite negatively to feedback, irrespective of how well intentioned it might be. Many people resist useful feedback because they fear failure and rejection. They therefore experience critical feedback as a personal attack. People who live in short timeframes experience critical feedback as something that defines them as a failure. By contrast, people who live in long timeframes experience critical feedback as data on how to succeed and grow on their own learning path.

IDEAS:

- How are you providing feedback?
 - Is it working?
- How do you respond to feedback?
 - Are you growing?
- What tells you that you are growing?
- What are the current mechanisms of feedback in your organisation?
 - How could you evaluate and improve their function?
 - How does cooperation pay in organisation?
- Are you ready to experiment with new feedback processes?

Those who resist feedback are unlikely to change their behaviour when they receive it. This has important implications for the way your organisation deals with performance appraisals and the way it helps members design career paths. Opportunities for feedback are often misappropriated to make people feel worthless and incompetent. For feedback to be effective, organisations have to link feedback and learning and commit to both as core values in their corporate cultures. One solution is to engage feedback as an ongoing conversation in your organisation, rather than a formal summary of someone's performance, at a single and arbitrary point in time, with an abstract mark attached to it.



People often fear their appraisals or assessments, whereas they could be looking forward to an opportunity to learn and to grow both themselves and the organisation. This is what Weiner called “reciprocal modification” – the change in me is a change in you. This ongoing “conversation” is what is often referred to as continuous assessment as opposed to summative assessment.

Effective feedback also has implications for top performers. In the old days people who were getting 80% were “better” than everyone else and did not have to try as hard. In the philosophy of Outcomes-Based Education, people should not be measured against each other. Individuals should be measured against their own potential and expectations. If they are getting high marks it does not mean they can rest in the knowledge of their superiority. It means it is time to find a new growing edge, a new challenge on their learning path. If you are not failing at something you are not learning anything new.

Members of your organisation need to be coached in the mechanisms and dynamics of effective feedback and how it relates to their own learning path. They need to begin to see feedback as an opportunity to improve and grow rather than as a personal attack or a defining statement of their identity. It should also help people to experience their lives in long timeframes in which criticism doesn't define them but is experienced as useful information on a long and fruitful learning path. It should also encourage them to experiment with behavioural changes in a way that is slightly demanding, but is relatively safe, enjoyable, creative and rewarding.

Creative ways of providing feedback to people that allows them to critically reflect upon themselves in a light-hearted fashion are vitally important in modern organisations. Some of these ways include:

- Video – Everyone loves a movie, especially if they are the stars. Seeing yourself perform is a very powerful form of feedback. Using video cameras to record meetings and other forms of interaction can help generate this powerful feedback mechanism. Actors and sportsmen routinely view videos of themselves in action to improve their performance. Organisations could use the same approach. Video is probably the only way that we can see ourselves in the way the world (possibly) sees us. A short exposure to this technique leads people into dramatic and productive changes in their behaviour and the way in which they see themselves. A useful idea is to film people talking to their own future selves, expressing their expectations and commitments for the next months and years. They then view the footage months or years later and create a new message for the months to follow.
- Opportunities to express feelings and thoughts through metaphor – The beauty of metaphor is that it is open to interpretation. Using metaphor as a way of expressing feedback is more dynamic than an abstract mark and gives people the feeling of being in control and being able to respond. One way to use metaphors to express and respond to feedback is to facilitate people in a conversation that uses art. An interesting example is engaging in clay modelling or creating collages as individuals or as a team. Individuals express their feelings, their expectations and how they perceive their roles in these representational models. These models are then allowed to interact with each other creating arrangements that represent relationships in the work space. The group can then negotiate how these interactions change the models. These changes can then be translated back into your organisations dynamics and individual experience. This exercise has the power to create fundamental shifts because the metaphorical nature of the exercise has helped people change the experience of their roles and relationships.





Tips for better feedback

Feedback can only work to the advantage of an organisation when there is commonly agreed upon values and goals to focus on. Only when the values and goals are established can you focus your energies on process.

“Human beings are by nature actors, who cannot become something until they have pretended to be it. They are therefore to be divided, not into the hypocritical and sincere, but into the sane, who know they are acting, and the mad who don’t.” – **attributed to W.H. Auden**

Process always takes more time than authoritative orders, but it nurtures intelligent participants instead of puppets. Remember that a focus on process helps us deal with dynamics that are far too complex for simple modelling. As long as all the bits are talking to each other, something better will emerge. Affirming effective feedback behaviour is not always easy. It becomes almost impossible in a culture of blame. Where employees are trying to outsmart each other and blame each other, feedback mechanisms can easily generate a kind of “big brother” paranoia. This can destroy an organisation. Having said this, every true democracy should offer protection to whistle blowers who have the interests of human health and dignity at heart.

Here are some other tips for increasing the quality of feedback in your organisation:

- Stimulate an interest in learning about learning. Moving to a higher level of feedback requires a curiosity about the processes of consciousness and learning.
- Value failure when it brings new learning.
- Maintain an open system whenever possible. Avoid unnecessary hierarchies and practices of secrecy that prevent information from moving freely through the organisation.
- Encourage sharing and an active interest in what is going on throughout the organisation.



- Improve communication for its own sake. Get the conversation going and keep it going.
- Raise the energy of the whole system. Get people excited about the challenges facing them.
- Get people committed to changing their performance by allowing them the freedom to change the level of participation in the conversation. If this doesn’t happen the organisation can settle into a learning dead-zone of familiarity, predictability and reluctance to change.
- Create “safe” spaces in which feedback can be experienced positively. In other words, there should be “ritual” spaces in which people know that it is OK to express themselves honestly and openly.
- Coach people in how to give, receive and use effective feedback. This cannot be done unless you also nurture a culture that affirms feedback and learning.
- Encourage people to experiment and explore novel ways of providing feedback.
- Humour and playfulness.

As the practice of feedback improves, people will learn how to “read” complex relationships better and even predict some of the changes that are about to emerge.

It is not the strongest of the species that survives, nor the most intelligent, but the most responsive to changes. **-Charles Darwin (1809 – 1882)**

African Dilemma Tales – Leadership Animation

Once upon a time in a small, beautiful kingdom in Africa, a group of leaders saw that their people were facing terrible suffering. They wanted to help and between them had many skills, but they were faced with many obstacles - hands that should have been extending help were bound. Webs of confusion slowed them in their place of work. There was dissent between them and splinter groups formed. Much of their supporters were scattered.

Some of the leaders had forgotten their Great Work. Worst of all, the fire around which they gathered to talk, had gone out. And even though there was help available from allies, they were so burdened and constrained that it was difficult to make use of the help offered to them. Every time news came in from the mountain, they felt worse. The suffering was increasing. Parents were dying. Children were dying. Young people, who should have been strong and energetic looked lost and without hope for the future.

“This can’t continue”, someone said and several others heard, repeating the phrase. Though tired and lacking motivation, the wisdom of their ancestors whispered in their dreams. “Build a fire,” the whispers said. “Gather round and talk this thing through until you find solutions”. Someone found a few twigs and put a match to them. Someone else came with more twigs and a few of the leaders started talking about their difficulties and found that all their problems were similar. Soon others arrived, bearing more firewood. As they talked and the flames leaped up, more arrived, until a great fire could be seen from afar. The leaders talked and talked until they all understood what the difficulties were and then began to plan how each would be overcome. Their supporters drew closer to the fire, heard the discussion and were glad, so glad, that some started to dance and sing. The people of the kingdom could see the fire and hear the singing from afar and their spirits rose. Something was happening at last...TO BE CONTINUED....interesting ideas:

- The story above is left hanging in the air. This is based on an old African storytelling tradition of the dilemma tale. What impact does an unfinished story have on the listener?
- How could the theory / story of evolution be used to explain change in organisations? How could you use the story of DNA to describe how culture “talks” through generations of employees?



African Dilemma Tales – Umbogo’s Story

Told by Steve Banbegyi

This story uses the technique of the African Dilemma Tale, a tale with no ending designed to engage audiences in conversations around topics such as success, knowledge sharing, empowerment, wealth, corruption, leadership and legacy.

ONCE UPON A TIME, in a small dusty village in the deepest and darkest part of Africa lived a hunter named Umbogo. Every day, Umbogo would walk into the jungle and check all of his traps for anything that he might have caught and at the end of the day, he would walk back to the village, tired dusty and empty handed.

And as he walked down the street, he could hear the villagers laughing and pointing as they said “here comes Umbogo, the unsuccessful hunter”. And each time Umbogo heard these words and heard the laughter, he would grow even more dejected.

TO AUDIENCE

– do you know what it feels like to be unsuccessful? Do you know what it feels like to find your traps empty?

And one night, as he lay in bed, Umbogo thought to himself “this cannot go on like this!” and resolved to wake earlier than he normally did the next morning to see if this would change his luck.

The next morning, Umbogo awoke with the feeling that things would be different for him. He dressed quickly and made his way deep into the jungle towards a trap he had not visited for some time.

It took some hours but Umbogo eventually saw the trap in the distance. And as he approached it, he suddenly felt a surge of excitement as he saw something in the trap. Unable to contain himself, he rushed to the trap where he saw an enormous Python.



Umbogo took out his hunting knife and was just about to cut the snake's throat when the snake hissed:

"Sssstoppp – Sssstoppp – Umbogo! I have never killed any of your kind, why do you try to kill me?"

Umbogo stepped back, terrified (for he had never heard of a snake who was able to talk) and dropped his hunting knife. But realising that the snake was still in the trap, Umbogo went closer and said: "How is it that you can talk? And how do you know my name?"

"Ssssimple – I am a magical Ssssnake and all magical Sssnakes can talk. And because I am a Magical Ssssnake, I also know many things, including your name, Umbogo, and alssso the fact the you are a successssless hunter" The Snake continued "If you kill me, you will have food tonight but if lisssten to what I have to sssay, if you come back with me to the Ssssnake village, I will give you gifts that will make you the most successful hunter that there has ever been in Africa."

Umbogo thought for a while. What was he to do? Should he listen to the snake or should he follow his hunters instinct and kill the animal right there and then so he and his family could feast. But then again, this was a big snake and he would need all his might to carry it back to the village and he may even need to ask for help which meant that he would need to share his kill with others.

TO AUDIENCE –

what would YOU do if you were Umbogo?

After scratching his head for a while, Umbogo goes back to the snake and says:

"OK, I will come with you back to the Snake Village to collect my gifts as you promised, but you better not be having me on for then I will surely kill you, whether you are a magical snake or not and then I will feast tonight with my family". "I agree to your termsss!", hissed the magical Python.



Umbogo opened the trap and saw the beautiful jewel-like quality of the patterning on the snake's skin as the serpent slithered out and recognised it as a Royal Python, the kind of snake that stories told could eat an entire elephant at once. The two of them set off towards the Snake Village that lay in the darkest part of the jungle where Umbogo had never been. Soon they arrived in the street of Snake Village. Tongues flickered out from mud holes everywhere and the hissing filled Umbogo's ears.

TO AUDIENCE –

have you ever been in a snake village? Do you know what lives in a snake village?

"Don't worry, said the Magical Python to Umbogo "stay here and I will bring you your gifts shortly". The Magical Python Snake slithered off up a dusty trail leaving Umbogo feeling exposed and scared in the middle of Snake Village." Maybe I've made a beeg mistake!" he thought to himself "Maybe these snakes are going to have me for their supper?" "Maybe the magical snake is himself a hunter and I am his kill?". And while Umbogo was making himself paranoid having these thoughts, he experienced a surge of relief as he saw the Magical Python slithering back towards him bringing two large Ukhamba (african gourds the shape of pumpkins) that he placed at Umbogos feet.

"The first Ukhamba has a sssspecial magic" said the Magical Python Snake. When you throw it on the ground at your home, everything that you have always wanted will suddenly appear and you will be the richest man in the village.

"The second Ukhamba also has a sssspecial magic" hissed the Magical Python Snake. "When you hold it to your ear, you will be able to understand the language of all of the animals and with this gift, you will be the best hunter that Africa has ever seen".

With shivering hands, Umbogo grabbed the two Ukhamba and left the village as fast as his feet would take him, never stopping nor looking back until he reached the outskirts of his own village. And there, hi held up the first Ukhamba and smashed it down onto



the ground as hard as it was possible to smash. There followed an ominous silence than there was a roll of thunder, a flash of lightning and suddenly, everything was transformed for there in front of Umbogo was everything he had always wanted. The big black BMW. An array of satellite dishes on his mansion. Women working in the fields. All His! He was indeed the richest man in the village as the Magical Python Snake had promised! And then Umbogo took the second Ukhamba and placed it to his hear and pointed it at some monkeys in the tree.

He was filled with amazement when he could understand their chattering! He pointed it at some birds above and could also clearly understand what they were talking about. With amazement he looked at the Ukhamba and thought to himself “Do I tell everyone about this or do I keep this to myself?” Quickly he decided that this would be his secret – something he would not share with anyone else.

TO AUDIENCE :

Why would Umbogo want to keep this secret? What would be the advantages and disadvantages to Umbogo of sharing this technology?

The moon made many cycles and Umbogo used his gift to great effect becoming the best hunter anyone in the village had known. The townspeople didn't anymore say “here comes Umbogo the successful hunter” but rather they gaped enviously at his spoils and wondered aloud how it was that Umbogo's luck had transformed so completely. Success had transformed him, and while always came back with a kill, he had begun to hunt less often. The nightly feasting and luxuries of life had given Umbogo a large tummy that made it difficult to go deep into the jungle. So he would often merely listen to the discussions of the animals via his Ukhamba and direct his men to the hunting spots where the kills were certain. But Umbogo was careful to keep his secret and make sure that no-one would know the real reason for his success.



Story 1

And one afternoon, when Umbogo was lying in front of his Satellite TV channel-surfing, he suddenly noticed that his favourite hunting dog was having a conversation with a Mangy Dog in the yard outside. Umbogo had never seen the Mangy Dog before and was curious so he placed the Ukhumba to his ear and heard the Mangy dog say the following: “I see bad things happening in this village because before the moon completes her cycle, a great flood will come and wash away the stores of food!”

Umbogo had great respect for the Ukhamba – it had never let him down before and so he leapt up from the couch and called all his workers and sons together. He told them: “Today we will move all of the sorghum we have away from the stores up to the mountain where you will build a new store for the crop. You will stay at the store for news from me of when you can come back down to the village!”

And soon that which the Mangy Dog had foretold came to pass – a great flood broke the banks of the river and washed away the sorghum stores. And when Umbogo's men returned from the mountain with his sorghum, he was richer than he had been before.

Story 2 ... continue after story1

And then it happened again one afternoon, when Umbogo was lying in front of his Satellite TV channel-surfing, he again noticed that his favourite hunting dog was again having a conversation with the Mangy Dog in the yard outside. Umbogo placed the Ukhumba to his ear and heard the Mangy dog say: “I see bad things happening in this village because before the moon completes her cycle, a great sickness will come and kill many of the cows!” Umbogo leapt up from the couch and called all his workers and sons together. And told them: “Today we will move all the cows up to the mountain where you will stay for news from me of when you can come back down to the village!”

And soon that which the Mangy Dog had foretold came to pass – a great sickness

came and took all the young cows. And so, when Umbogo's men returned from the mountain with his cows, he was richer than he had been before.

Story 3 ... continue after story 2

And then it happened again one afternoon, when Umbogo was lying in front of his Satellite TV channel-surfing, he suddenly noticed that his favourite hunting dog was having a conversation with the Mangy Dog in the yard outside. Umbogo placed the Ukhumba to his ear and heard the Mangy dog say: "I see bad things happening in this village because by midday tomorrow, your master Umbogo is going to die...."

TO AUDIENCE:

What does Umbogo do next having found out that he only has a few hours to live? Does he tell anyone? Does he give his gifts onto anyone? How will the villages feel about knowing the truth of this story? What could Umbogo's legacy be?

Transmedia storytelling: Techniques and innovations for community animation in the digital age Steve Banhegyi www.storytelling.co.za / www.trans4mation.co.za .



Bua le Sechaba GPL – Sebokeng 1



Declaration of the International Conference on Public Participation

- 1 We the participants of the International Conference on Public Participation held in Gauteng from the 29th of February to 2nd March 2012, affirm our undying commitment to the basic tenets of good governance and transparency through the active participation of all people irrespective of nationality, ethnicity, race and gender. Also, we need to create an enabling environment for everyone to participate on key policy issues affecting their lives.
- 2 Drawing from the creative energies of communities, we commit ourselves towards ensuring that public participation drive policy and legislative processes of our respective institutions.
- 3 We believe that public participation is essential to good governance and human development. The ultimate objective of public participation is to improve the livelihood outcomes of people.
- 4 We strongly believe that an involved and an engaged community can overcome obstacles to development. To this end we need to institutionalize and create a culture of meaningful public participation. Therefore, we need to reassert the necessity and the importance of meaningful involvement of the citizenry in governance processes. This can be realized through exploring various avenues of effective public participation in governance.
- 5 We strongly believe that civic education and literacy are fundamental to effective public participation. Moreover, building a body of knowledge on public participation will improve the capacity of communities to engage on policy and legislative issues.
- 6 Essential to effective public participation, we believe, is the need to accommodate all official and other languages for ease of engagement and understanding. This recognizes the importance and the appreciation of plurality, diversity and different voices in our communities.
- 7 We are mindful of the fact that citizen Participation must be clearly defined and parameters to participation outlined for purposes of managing public expectations.
- 8 Moreover, we are sensitive to evident contradictions between representative and participatory forms of democracy. In this respect, effective public participation mechanisms will reconcile these anomalies.
- 9 Of importance in public participation is the crucial role of citizens in planning and budgetary processes. In this regard, we are of the view that public participation processes must be aligned to planning processes.
- 10 We are also mindful of the need of adequate funding for public participation. Thus we urge all civic minded governments to allocate sufficient resources in order to institutionalize public participation. Related to this is the need for continuous capacity building programmes of public participation.
- 11 Ultimately, the underlying objective of our vision is to entrench the ethos and values of meaningful public involvement in governance and democratic processes.

Adopted in Kempton Park Johannesburg on 2nd March 2012



*Title of Publication: “The People Shall Govern: Public Participation Beyond Slogans,
Deliberations of the International Conference on Public Participation,
Hosted by the Gauteng Provincial Legislature in Johannesburg, 2012”*

ISBN: 978-0-621-41679-4



**“Effective and quality public participation is a
cornerstone and lifeblood of any democratic state”**

(Hon. Hope Papo, March 2012).

**“All development is people related, their participation
and involvement irrespective of gender is considered
crucial in a nation’s development”**

(Jabeen and Jadoon, 2008).

**There is a general, very real confusion between
“consultation” and “participatory democracy”**

(Keith Peacock, 2012).

**“Local communities are not light bulbs to be switched
on at election time, or even for that matter immediately
before community meetings, communities deserve
and expect much more from government and the
legislative framework is absolutely clear
of their rights and also their responsibilities”**

(Keith Peacock, 2012).

**“Public Participation” is an umbrella concept for the
various ways in which the people are mobilised
to interact with their public representations and
other full-time practitioners of state craft, in
order to achieve specified societal goals”**

(Dr Sydney Mufamadi, 2012).



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