Public participation

A South African local government perspective

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ABSTRACT

The need for enhanced community consultation and participation is clearly articulated in the Constitution of the Republic of South Africa, 1996 (Constitution), and also in terms of a variety of developmental local government legislation. Community members are now expected to play a more meaningful role in terms of their involvement in civic matters. Community members who play an active role in local government matters and who are well-informed, will have greater confidence in their local government structures. However, various recent studies on community participation reveal that the envisaged participatory role has generally not met the expectations of government. A great deal of apathy still exists, especially regarding matters pertaining to local government.
The article reviews the need for community consultation and participation from a variety of perspectives within the South African context. Certain strategies to enhance public participation are reviewed with emphasis on the third sphere of government.

INTRODUCTION

The South African government regards public participation as the cornerstone of democracy and service delivery. It is not a privilege, but a constitutional right. This is given greater prominence by Chapter 1 of the Constitution, 1996, which states that the Constitution is the supreme law of the Republic and that any other conduct in conflict with it is invalid and the obligations imposed by it, must be fulfilled.

This constitutional provision places an obligation on government to establish public participation structures and systems. However, public participation must be pursued not only to comply with legislation, but also to promote good governance. For effective public participation to take place, the public must understand how government operates; not only

local government, but all spheres of government. Communities should be empowered to ensure effective and meaningful participation in matters of government, especially in the local sphere of government which is closest to communities.

Before 1994, local government was a *creature* of statute and was the lowest level of government in South Africa. As such it was constitutionally unrecognised and unprotected (Steytler and De Visser 2007:1). As a creature of statute, it possessed only those rights and powers conferred upon it by a competent legislative authority (De Visser, 2005:223). However, with the introduction of the Constitution, 1996 and a variety of *developmental* local government legislation, the status of the third sphere of government has altered significantly with particular emphasis on the need for community participation pertaining to local government matters.

PUBLIC PARTICIPATION

Public participation is a process that provides individuals with an opportunity to influence public decisions and has long been a component of the democratic decision-making process. The roots of citizen participation can be traced to ancient Greece and Colonial New England. Before the 1960s, governmental processes and procedures were designed to facilitate *external* participation. Citizen participation was institutionalised in the mid-1960s when the United States of America under President Lyndon Johnson introduced his Great Society Programmes (Cogan & Sharpe 1986:283).

Public involvement ensures that citizens have a direct voice in public decisions. According to Kotze (1997:37), the concept of people's or public participation implies a people-centered development approach and may refer to the following aspects: involvement; communication; a new attitude from government or a reciprocal influence. Davids (2005:19–29) states that public participation is an inclusive process aimed at deepening democracy through formal participatory mechanisms. Davids (2005:30) further contends that authentic public participation should entail participation in decision-making, implementation, monitoring and evaluation, as well as sharing the benefits of governance and developmental outputs and outcomes.

According to Meyer and Theron (2000:1), public participation includes people's involvement in decision–making processes, in implementing programmes and in efforts to evaluate such programmes. Creighton (2005:7) proposes that public participation is the process by which public concerns, needs and values are incorporated into governmental and corporate decision-making. It is a two-way communication and interaction, with the overall goal of better decisions that are supported by the public.

Creighton (2005:7) summarises the difficulty in capturing the essence of public participation, noting that there are numerous definitions. However, most definitions include the following elements:

- public participation applies to administrative decisions;
- public participation is not just providing information to the public as interaction is an important component;
- there is an organised process for involving the public; and
- participants have some level of impact or influence on the decisions being made.

Creighton (2005:8) notes that the word participation has many different meanings and is best understood in terms of the following continuum: (i) inform the public; (ii) listen to the public; (iii) engage in problem solving and (iv) develop agreements.

According to Bekker (1996:41), public participation can broadly be divided into two main categories, namely, the mere receiving of information by citizens from authorities about proposed actions and the sharing of power with citizens to shape final decisions. It is, however, often argued that the mere provision of information cannot be regarded as participation, although the provision of information helps to empower and educate citizens, thereby equipping them with participation tools. Tangible benefits can be derived from effective citizen involvement programmes.

Public participation is a much broader issue than decision-making. It sets the scene for decision-making and continues during the decision-making process and beyond into the implementation, monitoring and evaluation phases. It, therefore, starts well before a decision is taken and extends well beyond it. Furthermore, acts of participation should not be viewed in isolation, but rather within a stream of interconnected acts (Bekker 1996:41). Public participation is accordingly inextricably linked to democracy, and more specifically participatory democracy.

Background to public participation

A study of public participation in ancient democracies reveals the essentiality of its continued existence of democracy (Stewart, 1976: XI as cited in Clapper 1996:52). According to Rejai (as cited in Clapper 1996:52), the word *democracy* originally referred to the type of government in which the power to rule resided with the people, for example, the city states of Athens at the time of Pericles. The key characteristics of Athenian democracy, also known as participatory democracy, were public control over public decisions and maximum public participation in making decisions and in holding public office (Brynard 1996:52).

Parry and Moyser (1994:44–46), distinguish between *realist* theories of democracy that emphasise representation, responsible leadership and elite responsiveness as the key elements of democracy and theories that consider direct participation as the *sine qua non* of democratic practices.

Certain theories propose that the degree of direct democracy that was exercised by citizens in the relatively small assemblies of Athens is no longer possible in large, complex societies. However, the *realist school* of thinking recognises public participation as a feature of democracy. It reduces it to only one manifestation, namely, voting (Nel & Van Wyk 2003:55). This theory holds that not everyone is convinced that democracy should necessarily try to involve the public in intensive ways. Elite models of democracy understand that a vote into office is essentially a political mandate for elected representatives to govern as they see fit.

A second set of theories emphasise that democracy in its original sense of *rule by the people* is hardly conceivable without a whole range of participatory activities through which the public not only vote for the sake of appointing and monitoring representatives, but become political citizens in the full sense of the word (Nel & Van Wyk 2003:56). Such is the enthusiasm for representative democracy (Cohen and Arato 2003:276). Rather than replacing representative democracy with participatory democracy, they advocate that

systems of representation be deepened so that they are more accountable (Young 2000:128 citing Pitkin).

Thornhill and Madumo (2011:130) state that historically in South Africa, the notion of ward committees (as a means to enhance public participation) was first introduced in the Cape of Good Hope when the *Burghers* (ordinary citizens) pressed for a greater share in the Colony's Government in the 18th century. These wards were governed by the *Wardmasters* whose responsibilities were to keep a register of persons residing in their areas (wards) and to report to the committee of the High Court on particular municipal and criminal matters.

Kotze (1997:36) holds the view that the principles of people-centred development, formulated as the building blocks of developmental local government, that is, public participation, social learning, empowerment and sustainability, feature strongly in the integrated, people-centered approach advocated by the Reconstruction and Development Programme. Kotze (1997:37) further argues that public participation became part of the development lexicon during the late 1960s and 1970s. Initially the idea of public participation was not well received by governments of most developing countries as it was seen as a possible threat to their existence (Kotze 1997:38).

Today, public participation is increasingly considered standard practice and is regarded as an essential characteristic for a successful modern democracy. This is supported by Pimbert and Wakeford (2001:23 in Creighton 2005:2) who state that democracy without citizen deliberation and participation is ultimately an empty and meaningless concept. The essential principle of a democracy is that the public must be enabled to participate, should they choose to do so, through effective channels of communication and civil society, with the ultimate mark of liberal democracy being the freedom to choose to participate or not (Deegan 1999:153).

Benefits of public participation

Cogan and Sharpe (1986:284) identify five benefits of citizen participation in the planning process: gaining information and ideas on public issues; public support for planning decisions; avoidance of protracted conflicts and costly delays; reservoir of goodwill that can carry over to future decisions; and a spirit of cooperation and trust between the agency and the public.

Creighton (2005:18–19) proposes the following additional benefits of public participation: to improve the quality of decisions; minimizing costs and delays; consensus building; increased ease of implementation; avoiding worst-case confrontations; maintaining credibility and legitimacy; anticipating public concerns and attitudes; and developing civil society.

Theron, Caeser and Davids (2007:2) maintain that public participation strategies have two main benefits for the democratic policy-making process, namely, participation leads to better policy outcomes; and participation assists the public in developing the capacity for improving their lives. Taking the input of the public into account during the processes of policy-making, implementation is important since it contributes towards combating dictatorship and promotes principles of good governance (Masango 2002:55–56).

According to Clapper (1996:76), public participation paves the way for the process of policy implementation to run smoothly and fosters a sense of ownership and commitment to the process. It can, therefore, contribute to policy implementation by building support

and eliminating resistance. Masango (2002:59) further articulates that it could save costs by minimising and/or eliminating the need for policy implementation to be policed. Importantly, continuous public participation in policy-making and implementation could serve as a control mechanism to limit the abuse of authority. Clapper (1996:77) states that an informed citizenry could ensure that public officials use their discretion in a responsive and responsible manner. Through public participation the general public is informed, involved and educated (Hanyane 2005:267). By engaging with governments on issues that affect their lives, civil society is brought into the mainstream and acquires skills, knowledge and capacity. It signals a new way of thinking about governance and democracy (De Villiers 2001:135).

Rationale for public participation

Public participation in local government extends beyond legislative compliance. The rationale for community participation is not only that there is an inherent value in ensuring that people are able to influence activities that will affect them, but also that such participation helps to build capacity and contribute to empowerment. Through participation, people increase their control over their lives and livelihoods. A robust civic society is a clear indicator of a strong democracy. Debates over the last decade have at times created antagonistic relations between the state and civil society. A robust and vigilant civil society constitutes an essential pillar of a mature democracy. A robust and active civil society complements institutions of government and plays an important role in generating good governance and economic growth (http://www.info.gov.za).

Why is so much emphasis placed on public participation and what is its relevance globally and in the South African context? Public participation is beginning to be viewed as an integral part of democracy. Traditionally, the defining characteristic of democracy has been the right to elect the leaders forming the government. Democracy is intended precisely to give the people power over choices and about the ultimate aims and goals of government action (Creighton 2005:17). Gildenhuys, Fox and Wissink (1991:124), hold the view that public participation in decision-making is an imperative for a government. Therefore, in any democratic country, public participation in the policy-making and implementation processes is a necessary requirement.

Public participation creates a new direct link between the public and the decision-makers in a bureaucracy. From the perspective of the public, public participation increases their influence on the decisions that affect their lives. From the perspective of government officials, public participation provides a means by which contentious issues can be resolved. It is a way of ensuring genuine interaction and a way of reassuring the public that all viewpoints are being considered (Creighton 2005:17).

Davids (2005:12) maintains that the key factor in preserving democratic practice may be participation. Participation rates, at least through legal channels, are one of the indicators of the legitimacy of a state or system. As long as people consider it worth their time to participate, they are assumed to have some level of efficacy, that is, belief that participation matters and that they still consider the system legitimate. This is supported by Midgley *et al.* (1986:5), who note that the survival of government depends, *inter alia*, on its legitimacy and such legitimacy in policy-making and implementation makes a positive contribution to government legitimacy (Fagence 1977:340).

Public participation is an essential ingredient for good governance in any democratic country. The role of public participation in facilitating the interaction between members of the public on the one hand and policy-makers and implementers on the other, shows that it should be encouraged and preserved. This becomes more apparent when considering the role of public participation in democratising and controlling the making and implementation of policy, and facilitating the exchange of information between the government and members of the public, promoting responsiveness to public needs, facilitating the processes of policy implantation and community development (Masango 2002:63).

Beierle's (1998:4–5) *social goals* framework incorporates all the evaluative measures discussed above in a more compact form. The following six goals (or purposes of public participation) are distinguished: educating and informing the public; incorporating public values into decision-making; improving substantive quality of decisions; increasing trust in institutions; reducing conflict; and achieving cost-effectiveness.

According to Pope (2000:247), an informed citizenry, aware of its rights and asserting them confidently, is a vital foundation for a national integrity system. An apathetic, passive public, not interested in taking part in governance or in enforcing accountability, provides an ideal breeding ground for corruption, fraud and mismanagement resulting in poor corporate governance. The violent country-wide service delivery riots and protests that South Africa is experiencing indicate that the problems that beset local government represent more than a failure in terms of service delivery. Participation, consultation, communication and involving communities have also failed dismally (http://www.idasa.org.za).

According to Carrim (2001:19), in the new system of South African local government, municipalities are meant to be firmly embedded in the residents. According to Bekker (1996:45), the rationale for direct public participation is that the public should share in making development plans at the formative stage, rather than after officials have become committed to particular choices.

STRATEGIES FOR ENHANCED PUBLIC PARTICIPATION

Participation is a complex mechanism. In effect there is no single blueprint. Hence, each area is characterised by different dynamics and demographics. Development does not occur successfully if beneficiaries are not part of the process of planning and implementation (Parnell *et al.* 2002:27). This raises the question as to whether public participation is the solution for social and economic development. It could be argued that public participation could slow service delivery, as it is a time consuming and often expensive process. This is supported by the fact that the formation of ward committees to facilitate development has been found to be potentially time consuming.

An overview on possible structures and approaches to enhance community consultation and participation now follows.

Ward Committees

Participation between a municipality and the ward committees would be on the level of policy formulation, priorities and strategies of which the implementation will be facilitated

by the municipally. As partners in community development, ward committees provide the following strategic functions (Ababio 2007:618-619):

- ward committees serves as messengers between the community and the council;
- ward committees have the responsibility to identify and utilise the skills and resources that exist within their communities;
- providing support for groups involved in community structures and activities;
- serving as a strategic mobilising agent for both the municipality and community in the planning and implementation of programmes;
- interacting with external role players on behalf of or for the benefit of their local communities; and
- disseminating relevant information relating to municipal processes, decisions taken and projects.

The new notion of wall-to-wall local government means that every South African will have direct access to democratically elected representatives involved in the management of their local area through the functions and powers conferred on ward committees. This was made possible by legislation governing local government (Parnell *et al.* 2002:83). Ward committees derive their meaning, roles and functions through Section 74 of the *Municipal Structures Act*, 117 of 1998, which stipulates that a ward committee may make recommendations on any matter affecting its ward to the ward councillor or through the ward councillor to the metro or local council, the executive committee, the executive mayor or the relevant metropolitan sub-council. Ward committees have such duties and powers as the metro or local council may delegate to it in terms of Section 32 of the above Act.

There are community elected ward committees within a particular municipality whose boundaries coincide with ward boundaries. They are chaired by the ward councillor and composed of community members. A ward committee is meant to be an institutionalised channel of communication and interaction between communities and the municipality (Bolini and Ndlela 1998:34).

Although ward committees are not the only vehicle for public participation, they provide a structured model for public consultation and participation. They are clearly meant to enhance constructive interaction between a municipality and the local community. This interaction gives effect to Sections 4 and 5 of the *Municipal Systems Act*, 32 of 2000, which give citizens the right to contribute to the decision-making processes of a municipality and to complain or make representations if they are not satisified.

A further limitation is that the establishment of ward committees is not mandatory for municipalities. Therefore, certain municipalities, especially those not run by the African National Congress (ANC), do often not have ward committees. Legislation makes it mandatory for municipalities to develop mechanisms to consult and involve communities in the governing processes. It must, however, be stated that most South African municipalities have chosen to establish ward committees (**http://www.idasa.org.za**).

Ward committees should, furthermore, consult regularly with ward residents on matters relating to the ward, and should develop and submit reports and recommendations on such matters as and when required via the ward councillor to the Council. According to *ANC Today*, a weekly web-based publication of the African National Congress (27 April 2001), a defining feature of the new system, which represents the final phase of local government

transition, is the scope it offers to ordinary people to become actively involved in governance. Residents have the right to contribute to their municipality's decision-making processes. They have the right to submit recommendations and complaints to the council and to information on the affairs of their municipality, including its finances (**http://www.anc.org.za**).

Community Development Workers

Community Development Workers (CDWs) are community-based resource persons who work with local activists to help their fellow community members obtain information and resources from service providers. The CDW Programme was initiated by the former President, Thabo Mbeki, in his 2003 State of the Nation address, in which he stated that government would create a public service component of multi-skilled CDWs who would maintain direct contact with community members where they lived (**http://www.idasa.org.za**).

The main function of CDW is to assist in progressively meeting the community's needs, helping them achieve their goals, realise their aspirations and maintain their overall well-being. CDWs are expected to explain government policy to ordinary citizens in the language that people can understand (**http://www.idasa.org.za**). CDWs must be multi-skilled and knowledgeable about all government departments and services, as their work cuts across a wide spectrum of government services. They are expected to have good listening and facilitation skills, as they are often called upon to act as mediators if and when problems arise in the community.

The implementation of the CDW Programme is coordinated by all three spheres of government (national, provincial and local). The Department of Cooperative Governance facilitates the relationships between these three spheres around CDWs, while the Department of Public Service and Administration (DPSA) is responsible for the overall coordination of the Programme. Provincial administrations are the employers of the CDWs, while the South African Local Government Association (SALGA) and the municipalities provide workplaces for the CDWs and create the necessary environment for them to perform their duties (**http://www.idasa.org.za**).

In discharging their duties, CDWs should interact with ward committees and
ward councillors. They serve the same constituencies, hence the need to work together and complement each other. They contribute in ensuring that government meets its target with regard to service delivery and poverty alleviation (**http://www.info.gov.za**).

Community-based planning / ward-based planning

Community-based planning is a form of participatory planning designed to promote community action and linkage to the Integrated Development Plan (IDP). Community-based planning empowers communities to plan for themselves, to enable local government to understand and plan better for community needs. It encourages a *bottom-up* approach to planning, as opposed to the customary *top-down* approach. It presumes that people who live in a community should have the right to set the course for their community's future. Community-based planning creates a sense of community ownership for service delivery and development. More importantly, community-based planning ensures that the poorest of the poor and the marginalised sectors of society take part in local governance. It is only when

people are empowered that they can make local government accountable (Community-Based Planning and the IDP, Guide 2 2005:4).

Traditional authorities

Another important way in which communities, particularly traditional communities, can participate in local government is through traditional authorities. Traditional leaders play a role in community participation and are an important component of most rural constituencies. The *Traditional Leadership and Governance Framework Act,* 2003, recognises tribal level and the link with local government. The functions of traditional councils include the facilitation and involvement of traditional communities in the development of a municipality's integrated development plan (IDP).

This system of leadership is still faced with challenges that deter community participation. It remains a daunting task to forge the coexistence of two diverse and conflicting systems of governance (modern democracy versus traditional authority). The party politicisation of tribal structures invariably compromises the credibility and autonomy of the institution and its leadership. Traditional leaders who are partisans bar efforts to spearhead community participation. The traditional leadership of 'Amakhosi' is flawed by a lack of a clear-cut roles and functions. The *Traditional Leadership and Governance Framework Act*, 2003, was enacted to redeem these problems, and has been critisised by the Amakhosi for being *westernised* in its provision and consultation. This has exacerbated the mistrust that exists between traditional and democratic authorities. There is also an ongoing dispute over traditional authority boundaries and the merger of tribes.

Other forms of participation

Other forms of participation include advisory panels, focus groups, forums and sector groups. These are complemented by community izimbizo (outreach programmes) and *Masithethisane (come let us talk together)* programmes, which aim to establish community needs and their feelings on governance and how it should be improved. Both the political and administrative leadership take part in these programmes to enhance public participation, thereby promoting good corporate governance (http://www.info.gov.za). Through izimbizo (outreach programmes), government and communities interact directly. They provide communities with the opportunity to hear directly from government on what is being done to implement programmes to create a better life for all. Izimbizo's help build a partnership between government and communities for development and growth (http://www.info.gov.za).

It is essential that communities be taken on board and informed of decisions ratified by their respective municipal councils. This is known as report-back meetings. Certain decisions could affect them directly, such as those that deal with service delivery and finance related issues (http://www.idasa.org.za). Furthermore, all municipalities are required to have an integrated development plan (IDP) developed every five years. This is where communities raise their priority needs (projects) through interaction with the municipal leadership in preparation for the municipal budget. It becomes critical that after the adoption of the municipal budget there are report back meetings to explicitly inform communities of

which projects will be implemented in the municipal financial year. Report back meetings are crucial for both a municipality and its communities in terms of participation initiatives and to also comply with specific legislative prescriptions.

It is proposed that public participation strategies are a means to decrease tensions and conflict over public policy decisions. A variety of techniques exist that solicit public input effectively. Planners and participants can derive a number of tangible benefits from an effective public involvement process. However, the expectations of planners and the public must be roughly equivalent for the process to be effective.

CONCLUSION

Community participation is an integral part of the new developmental local government mandate. Communities should not merely be consulted, but should take an active role in matters of local governance. Although enhanced public participation strategies are a legal requirement for all three spheres of government, it should be seen as going beyond issues of legislative compliance. Issues of compliance tend to concentrate only on the framework of legislation, disregarding innovation and extra effort. It is, therefore, necessary for both councillors and officials to take it as a moral duty and responsibility to always involve local communities in the decision-making processes. There has to be both a political and administrative will to improve and extend community participation.

Despite the constitutional and legislative imperatives that demand open and accessible processes of public participation, insufficient and unfavourable conditions for public participation often defeat this noble requirement. Public participation requires the creation of a conducive climate and provision to maximise its impact. The key *dictum* remains that public participation is essential to make democratic societies work. Poor public participation provides a recipe for lack of legitimacy of decisions and actions, civic disobedience and riots, as was evident during the recent spate of service delivery protests throughout the country.

As a feature of developmental local government, the challenge to maximise enhanced and more effective public participation strategies will remain a challenge for many municipalities in South Africa. This is despite a broad spectrum of legislative prescriptions pertaining to local government on the issue of public consultation and participation requirements.

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