

# **PUBLIC PARTICIPATION IN DECISION-MAKING IN THE GAUTENG PROVINCIAL LEGISLATURE**

**Prepared For The Gauteng Provincial Legislature  
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DEMOCRACY AND GOVERNANCE

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Dr. M. John Mafunisa  
Dr. Kealeboga J. Maphunye

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## EXECUTIVE SUMMARY

In *Message from the Secretary of the Gauteng Legislature*, Mgidlana (Undated) defines public participation as the right and duty of everyone to, *inter alia*, take part in the governing of the Province by not only voting in elections but also by attending public hearings and petitioning the Provincial Legislature. Public participation is a systematic way to identify and understand one's different publics, provide them with relevant and understandable information, and work with them to resolve their concerns about one's proposed project, programme, or policy (O'Connor, 2004).

In line with the above definitions, research respondents (political office bearers and officials within the GPL) to the questions in the questionnaire define public participation as a means of giving citizens of Gauteng Province an opportunity to make inputs in the decision-making of the Legislature in accordance with the Constitution; the involvement of the public in the decision-making process and in the activities of the committees; the engagement of citizens in policy-making - regulated through oversight and co-operative governance; popular involvement and that elected representatives should listen to a variety of voices; the involvement of the public in general in processes of governance (legislative and executive); physical engagement, and obtaining comments (oral or written) from the public to shape decisions. Some political office bearers and officials define public participation as an opportunity that the public have to make their voices heard by the Gauteng Provincial Government and others saw it as an opportunity made possible by a representative body for people to take part in governance.

From the above definitions, it can be deduced that the political office bearers and officials within the GPL understand the meaning of public participation which augurs well for the participation process in the Gauteng Province, as it implies that they will be responsive not only to the demands by the public for such participation, but also to be able to engage meaningfully in such participation processes.

There are various forms of public participation within the GPL. These forms of public participation include the petition process, public hearings, educational outreach, voting and committee meetings. Responding to the question: "Which form of public participation, if any, do you think is best suited for the Gauteng Legislature? Please elaborate on your answer", some political office bearers and officials within the GPL are of the opinion that public hearings, petitions, community workshops and legislative oversight are more suited for the Gauteng Provincial Legislature (GPL). Some interviewees believe that the petitions process is best suited for the GPL because it is crosscutting and it also serves as a referral source.

One can argue that there is no best form of public participation or rather that one form of public participation can be the best one for a particular situation. These forms of public participation complement each other. There are advantages and disadvantages to each of these forms of public participation. Therefore the GPL should only focus on the advantages of each form of public participation.

Different factors affect public participation in decision-making within the GPL. On the question: "Which two main factors do you think policy-makers must always consider to ensure that public participation is included in the GPL's decision-making processes?", some of the political office bearers and officials interviewed identified the following factors: accessibility for those who come to public hearings (in terms of language used and disability); building relationships with stakeholders' planning and prioritisation of public participation in committee work; the Legislature must create a conducive environment for people to participate, timing - when does

the GPL engage with their stakeholders, information to the public by the Legislature and *vice versa* (the PAVE approach)<sup>1</sup>; MPL's to be more involved with their own constituencies and encourage them to participate in the Legislature's decision-making processes; Twenty-four hour working departments and consultation.

From the above inputs from political office bearers and officials within the GPL, it can be argued that the GPL should create an environment conducive to effective public participation by ensuring that the buildings in which public hearings are held are accessible to people living with disabilities. They should also use the languages spoken by most people in the neighbourhood and they must also ensure that MPLs are involved more with their constituencies.

Various models of public participation are identified in the text. These models include populist democracy, liberal democracy, "pure" representative democracy, a basic model of public participation and a "realism" model of public participation. From the analysis of the above models of public participation, it can be argued that the "realism" model, which is the most effective form of public participation, exists in the GPL. This conclusion is based on a corporatist model of political interaction, where consensus is reached at a "roundtable" consisting of essential interested parties or stakeholders. Its disadvantage, as outlined above, is that there are no formal constituencies. This weakens the link between the voters and the individual representative. The limitations of this model, especially that of limiting broader public participation to voting in elections should be compensated for by strengthening various forms of public participation such as consultation, public hearings and the petitions process.

In Australia, as in Europe and the USA, public participation in the decision-making processes means any of the following activities: commenting on the actions and abilities of elected representatives; making submissions to government officials; circulating petitions; expressing opinions on issues of public interest through articles and pamphlets; letters to the editor; producing paraphernalia such as banners, T-shirts and bumper stickers; protest marches; strikes; and civil disobedience (Bover & Parnell, 2004). To some extent, the Gauteng Provincial Legislature already undertakes many of the above activities, but perhaps there is a need to increase the scale and intensity of these activities. Moreover, some respondents in this study commented that sometimes the low level of literacy and numeracy in some poorer communities in the Gauteng Province undermine the Legislature's efforts at increasing public participation in the decision-making process.

This clearly indicates the Gauteng Provincial Legislature's intentions to accommodate public participation in the decision-making processes of the Legislature, a move that should consolidate the democratic government's departure from the overtly discriminatory, top-down and heavily centralised decision-making practices of the past.

The activities and interests of associations, which constitute civil society, will always be major factors in the running of the Gauteng Province. The GPL will, in making decisions and implementing those decisions, have to take into account the attitudes and activities of the institutions constituting civil society. Responding to the question whether they are aware of the PPP Unit and its programmes, the South African National Council for the Blind (SANCB) indicates that they are not aware of the PPP Unit, but have taken part in the activities of the GPL when they were invited to the Premier's *Imbizo*. The South African National Civics Organisation (SANCO) states that they are aware of the Unit's activities and that they have

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<sup>1</sup> Print, Audio, Visual and Electronic media.

participated in some of those activities. They also indicate that there are still a lot of improvements to be made as they have not seen the MPLs themselves directly engaging communities, although they (GPL) do invite a number of schools to observe the GPL's proceedings. When asked about the public participation challenges facing GPL, SANCO indicates that communities are usually guided on how to participate and thus channelled toward a certain process (as if the GPL wants to say: "we want this group and not the other"). A typical example in this regard is the *Liquor Act* in which only the shebeeners were invited by the GPL to comment. There seemed to be reluctance on the part of the GPL to allow everyone (including non-shebeeners) to participate in the formulation of the Bill (before it became an Act).

The SANCB indicates that there are indeed benefits associated with public participation in that they feel being part of the community. They state that they obtained information on government services at gatherings to which they were invited by the GPL. SANCO also argues that there are benefits to public participation, even though public hearings and *Imbizos* are addressed by politicians who are often in a hurry to leave for their next meeting/engagement. Thus members of the community are sometimes unable to put their views across. On the question: "How influential is public participation in the GPL's policy-making process?", SANCO believes that the public participation process is not influential, for example SANCO has not seen COSATU attending the Legislature's proceedings when the budget is debated. In other words, the inputs by communities on the budgetary process are very limited. SANCO argues that the GPL must contact all civil society organisations to find out how they (civil society) can contribute to the public participation process.

The SANCB quotes the slogan of the disabled people in South Africa: " Nothing on us without us" to emphasise their position that there is a need for a specific desk for disabled people within the GPL so that the relevant authorities may advise the Legislature on issues relating to disabled people. They feel that the best person to occupy this position would be a disabled person (as shown by the examples of disabled national MPs who have constantly raised issues of disabled people in the National Assembly).

From the above discussion, it can be argued that GPL should develop strategies to effectively and regularly engage with provincial NGOs such as SANCO and SANGOCO, community- and faith-based organisations on matters affecting the Legislature. These strategies include the hosting together of provincial workshops on matters common to both, consultation on proposed plans, programmes and policies, etc. in which the Legislature will require meaningful participation by the public.

Recognising that the plight of people with disabilities is still a very prominent topic for policy-makers throughout the country, it can be argued that a specific desk for disabled people within the GPL is a necessity. The function of this desk will be to advise the GPL on policy and other issues that affect people with disabilities. Priority should be given to people with disabilities to run this desk as they are in a better position to understand the needs of the disabled.

Public participation may be costly in terms of staff, time and money. For instance, members of the public usually have other commitments, and it is a myth that poor people have an excess of free time. The time available for participating in public affairs may be limited hence consistently high levels of participation tend to be the ideal rather than the practical norm over a long period of time, especially as far as the attendance of meetings and/or public hearings go. It may even be necessary to hire more staff or train current members of staff to cope with the demand for increased dialogue (Fagence, 1977: 360). Resourcing public participation is a critical issue.

Political office bearers must be prepared to devolve enough power and spend enough money to make public participation work.

An earlier research was conducted on *An Evaluation of the Public Participation and Petitions Office of the Gauteng Legislature* (Pigou; Kushlick; Samuels & Kimmie, 1999). In answering the question: "What will make the PPPO more efficient?" interviewees within the GPL made a number of resource-related recommendations about improving the office's capacity, including a larger budget, more staff for public education and administration, improved transport facilities and improved communication facilities – i.e. cell phones.

This requirement is confirmed by the findings of this study. For instance, in response to the question in the questionnaire: "Is there any other information that has not been covered in the questions above (but that you feel should be considered in this study)?", the respondents indicate that the PPP Unit in the GPL is seriously under-staffed. They state that there are only eight employees in this Unit, two of whom are responsible for public outreach. They also state that if more public outreach work has to be done, additional staff must be appointed. The PPP Unit's staff must also be capacitated by exposing them to international trends and best practices on public participation. In addition, they argue that appropriate equipment should be made available to the PPP Unit's personnel, including computers for downloading e-submissions and e-mails from members of the public. The interviewees strongly emphasise the sharing of information as an indispensable resource for an effective public participation process. Finally, they also mention the importance of sharing of information between members of the public and the GPL.

It can be argued that if more work has to be done in terms of educational outreach, additional staff should be appointed for reaching out to the public. Such personnel need to be appropriately trained and capable in all respects to effectively promote public participation in the Province. Further, recognising that the issue of resources continues to be a major hurdle in the work of the PPP Unit, it is recommended that the officers responsible for public outreach should be provided with logistical support and appropriate equipment to enable them to perform their duties effectively. These may include cell phones, motor vehicles, electronic and other equipment as the need may arise. As a short-term measure, the GPL might have to make special financial allocations from its development budget (or some such source) to help alleviate the immediate challenges facing the Unit.

From the above discussion, the authors recommend as follows:

1. A need exists for the GPL to extend their public engagements through the electronic and print media, interactions with researchers and academics in academic and research institutions, community-based and non-governmental organisations, and to ensure that other forms of public participation are also used. These include Internet and e-mail access, 24-hour toll-free numbers (especially as a whistle-blowing mechanism), reaching people where they are e.g. at sports stadiums, music festivals and 'street bashes', churches and other places of religious worship, including the use of other measures that the Legislature have used in the past to encourage public participation in the decision-making process.
2. Given the fact that much still needs to be achieved regarding public participation in the next decade of democracy and freedom in the Gauteng Province, it is therefore recommended that public participation should be included in the plans and programmes of the Legislature to ensure that all political office bearers and public officials of the GPL

identify with it. This can be done through the active engagement and consultations with all the civil society bodies and organisations that exist in the Province, as well as the wider dissemination of the proposed plans and programmes to the entire Province.

3. Recognising that the Public Participation and Petitions Unit is staffed by eight people, two of whom are responsible for education outreach, it is recommended that, if more work has to be done in terms of educational outreach, additional staff should be appointed for reaching out to the public. Such personnel need to be appropriately trained and capable in all respects to effectively promote public participation in the Province.
4. Further, recognising that the issue of resources continues to be a major hurdle in the work of the PPP Unit, it is recommended that the officers responsible for public outreach should be provided with logistical support and appropriate equipment to enable them to perform their duties effectively. These may include cell phones, motor vehicles, electronic and other equipment as the need may arise. As a short-term measure, the GPL might have to make special financial allocations from its development budget (or some such source) to help alleviate the immediate challenges facing the Unit.
5. It is further recommended that the Gauteng Legislature should use a combination of different types/ forms of public participation, with an emphasis on the petitions process and public hearings (as indicated in the text). However, it is important that the GPL be aware of the fact that the shortcomings of any one type or form of public participation used should at all times be complemented by using another type/form or a combination thereof.
6. It is also recommended that the GPL should develop strategies to effectively and regularly engage with provincial NGOs such as SANCO and SANGOCO, community- and faith-based organisations on matters affecting the Legislature. These strategies include the hosting together of provincial workshops on matters common to both, consultation on proposed plans, programmes and policies, etc. in which the Legislature will require meaningful participation by the public.
7. The GPL should also get involved in an aggressive communication or information-sharing programme, targeted at making the Legislature more visible to members of the public, especially the poor in rural areas and the previously disadvantaged groups. This can be done through community-based radio and public hearings or road shows. Public officials responsible for this exercise should speak the language of the communities concerned for the members of the community to identify with them.
8. Recognising that the plight of people with disabilities is still a very prominent topic for policy-makers throughout the country, it is recommended that there is a need for a specific desk for disabled people within the GPL. The function of this desk will be to advise the GPL on policy and other issues that affect people with disabilities. Priority should be given to people with disabilities to run this desk as they are in a better position to understand the needs of the disabled.



## 1. INTRODUCTION

Immediately after South Africa's 1994 democratic elections that ushered in a new dispensation, the need for public participation in the decision-making processes and institutions of the new democratic state inevitably arose. However, the main challenge at that time was that many of these institutions including the Gauteng Provincial Legislature, were either non-existent or very weak and therefore inappropriate for a democratic state that was sensitive to the need for public participation, especially at the provincial and local spheres of government. In South Africa, public participation is particularly important because of the country's recent transition to democracy, which has clearly demonstrated to its citizens the importance of including people in the governance processes. During the apartheid era, the majority of the black population was deliberately excluded from influencing public policies. Their countless attempts to do so were frequently met by draconian and repressive measures, which were apparently aimed at intimidating and discouraging them from participating in the political processes of the country.

Currently, especially in provinces with large populations such as Gauteng, public participation is not only seen as a desirable practice, but also as a matter of pressing provincial urgency. One probable reason for this is that if ordinary people participate in the governance of the Province, the legitimacy of the political authority is enhanced. Thus, issues relating to public participation are continually raised in public forums even though there have been criticism by some organs of civil society (notably some trade unions and groups like the Soweto Electricity Crisis Committee), that public participation was being relegated to mere rhetoric in public forums. While the role of elections in institutionalising public political participation has been noted in the literature on African politics, it is essential that public participation should not be seen merely as the casting of ballots every five years or similar period.

The post-1994 socio-economic, political and other changes that occurred throughout the country not only radically altered the role of communities or the public in the delivery of services, but also their perceptions about the role of the public in the governance process. By 2004, the country had attempted to move beyond the difficult era of apartheid exclusivity and non-democratic participation - especially given the numerous policies and legislation produced since the advent of democracy. While it would appear that the old (pre-1994) anti-apartheid methods of violent opposition to unpopular and repressive government laws are slowly disappearing, it is not always clear as to what mechanisms are replacing these methods. Nor is it clear as to whether attitudes and perspectives are changing in favour of the use of non-violent methods of protest. But negotiation, conflict resolution, peace building, reconciliation and debate among others, have become fashionable terms in the South African public participation discourse and have now replaced the dreaded "necklace" method (of burning a victim using a car tyre), no-go areas, and boycotts of the pre-1994 era. Public participation in policy-making has also been boosted by new legislation and policies.

## 2. DATA COLLECTION METHODS

For this report, the researchers relied on a variety of data collection methods including interviews, a survey of official reports and an analysis of official and other documents, legislation, books and journal articles, selected Internet web-pages and media reports. The researchers did not formulate a specific hypothesis, but rather chose a working hypothesis: *public participation in the Gauteng Provincial Legislature has improved since 1994*. This

assumption merely served as a guide for the researchers and in no way suggested conclusive evidence based on any empirical inferences.

The researchers' approach was informed by the review of the relevant literature on public participation in decision-making throughout the world, though focusing on the GPL situation. Peil *et al.* (1982: 9) argue that the selection of methods to be used in a research will depend on the questions to be answered. Thus, the main questions that the researchers asked in compiling this report are:

- ❑ What types of models of public participation are there in the Gauteng Provincial Legislature (GPL)?
- ❑ Which factors affect public participation in decision-making?
- ❑ What are the best practices with regard to public participation in decision-making?
- ❑ What is the role of civil society in promoting public participation?
- ❑ What are the tools for measuring the impact of inputs by members of the public in the public participation process?
- ❑ What kinds of obstacles impede the realization of the GPL's activities in relation to public participation in the decision-making processes?
- ❑ How could these obstacles be resolved?

Further, the researchers conducted structured interviews with 13 political office bearers and selected officials from the Gauteng Provincial Legislature in order to assess the level of public participation in the Province and to assess the relevant challenges to the public participation process. The number of the interviewees is not supposed to constitute a valid sample, as researchers do not agree what a representative sample is supposed to be. The usefulness of the interviews was that the researchers were able to gain further insight into the normal operations of the Gauteng Provincial Legislature, especially its Public Participation and Petitions Unit, which is responsible for driving the participation process in the Province. The information obtained from the interviewees was particularly helpful as it enabled the researchers to verify the secondary data from other sources stated above.

The questions asked in the interviews (see Annexure A on page 41) helped the researchers to examine from different angles, the issue of public participation in the Gauteng Provincial Legislature as well as in the Province at large. Given the limited time available to the researchers, it was not possible to consult widely with many outside individuals and groups (e.g. community leaders and community-based organisations) on their views pertaining to the Gauteng Provincial Legislature. However, even though it is impossible to claim the validity of their views, the office bearers of civil society organisations such as the South African National Civics Organisation (SANCO) and the South African National Council for the Blind (SANCB) were available and therefore interviewed. They gave valuable inputs on their perspectives regarding public participation in the Gauteng Provincial Legislature's programmes.

### **3. CONCEPTUALISATION AND CONTEXTUALISATION**

Public participation in the decision-making processes should be understood within the context of democratic theory and the overall analysis of democracy as explained by analysts such as Held. In his *Prospects for Democracy* (1993:15), David Held states that within the history of democratic theory lies a deeply rooted conflict about whether democracy should mean some kind of popular power (a form of politics in which citizens are engaged in self-government and self-regulation) or an aid to decision-making (a means of conferring authority on those

periodically voted into office). Such issues lay the fundamental basis for public participation in decision-making, especially in the African continent where citizens are still grappling with Western-derived notions of democracy. Such notions of democracy also affect the extent of public participation in a society.

In *Message from the Secretary of the Gauteng Legislature*, Mgidlana (Undated) defines public participation as the right and duty of everyone to, *inter alia*, take part in the governing of the Province by not only voting in elections but also by attending public hearings and petitioning the Provincial Legislature. Public participation is a systematic way to identify and understand one's different publics, provide them with relevant and understandable information, and work with them to resolve their concerns about one's proposed project, programme, or policy (O'Connor, 2004).

The term 'participation' itself is controversial and often subject to ambiguous and diverse interpretations (Vroom & Jago, 1988: 30). The above definition of public participation helps to indicate the complexity of the relevant processes of including ordinary citizens in the activities relating to their own governance. Barely three decades ago, public participation was also defined as "those activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions they take" (Verba & Nie, 1972: 2). South Africa is a case in point where the role of private citizens in the country's governance processes is often seen as important in exerting influence on government action or policy.

According to Diamond (1993) the deepening of democracy is dependent on "the participation of citizens in civil society and the political system". As Lijphart (1996) adds, "such participation must be inclusive of all in society" (cited in Roefs and Liebenberg, 2003: 279). Another observer notes, "One of the most important questions of political life - perhaps the most important of all, is that of the nature, extent and strength of the relationship between people and government, between the rulers and the ruled" (Blondel, 1995: 371). Following its anti-apartheid struggle and transition to a non-racial society that respects human rights and the rule of law, South Africa is now regarded as one of the foremost successful democracies of the world. In the five years following the 1994 founding election, many changes occurred, notably in terms of the formalisation of structures of civilian representation, oversight and participation (Roefs & Liebenberg, 2003: 280).

As Verba and Nie (1972: 1) state reference to the United States of America, "If democracy is interpreted as rule by the people, then the question of who participates in political decisions becomes the question of the nature of democracy in a society." In the South African context, with its complex and diverse multi-cultural characteristics, the question of public participation is quite critical to the realisation of the country's post-apartheid ideals.<sup>2</sup> According to Nzimande (CPP 2003), it is important to seek proper definitions of public participation if one is to grapple with the term and to contextualise it. Thus, one needs to understand what is meant by concepts such as "public", "civil society", and "good governance" - these concepts are very often associated with public participation.

Southall (2003) argues that public participation is a virtue in its own right and a fundamental dimension of democracy. For Nzimande, the term "public" has an all-inclusive meaning that not only encompasses race, class, and gender criteria but also suggests that the "public should principally focus on the majority of society (including the disabled and youth) who are confronted

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<sup>2</sup> In Gauteng, with one of the most diverse and multi-cultural populations amongst South Africa's nine provinces, the nature of public participation is even more important for policy-making purposes.

with unemployment, deepening poverty, and lack of access to resources.” Moreover, it could be argued that “Where a few take part in decisions there is little democracy; the more participation there is in decisions, the more democracy there is” (Verba and Nie, 1972: 1). In relation to “civil society”, Nzimande argues that while the term is useful in a descriptive sense, it could obscure the fundamental distinctions of class, race and gender as well as other inequalities in society (CPP, 2003). In fact, “It is also common to romanticise civil society as homogeneous and harmonious” (Fleming, *et al.* 2003: 16).

Internationally, it would appear that there is a discernible trend towards greater inclusiveness and public participation in the democratic decision-making processes of both developed and developing countries’ governance, although the characteristics of such participation are country specific. For instance, as Verba and Nie (1972: 1) state in the case of the United States, much of the debate about the country’s political life revolves around the question of public participation. This might have signalled a new development towards greater democratisation in the contemporary governance processes of both developed and developing countries; although in the African continent the decolonisation process largely informed the need for democratisation and public participation.

In line with the above definitions, research respondents (political office bearers and officials within the GPL) answering the questions in the questionnaire, define public participation as a means of giving citizens of Gauteng Province an opportunity to make inputs in the decision-making of the Legislature in accordance with the Constitution; the involvement of the public in the decision-making processes and in the activities of the committees; the engagement of citizens in policy-making - regulated through oversight and co-operative governance; popular involvement and the requirement that elected representatives should listen to a variety of voices; the involvement of the public in general in processes of governance (legislative and executive); physical engagement, and obtaining comments (oral or written) from the public to shape decisions. Some political office bearers and officials define public participation as an opportunity that the public have to make their voices heard by the Gauteng Provincial Government and others consider it as an opportunity, created by a representative body, for people to take part in governance.

From the above definitions, it can be deduced that the political office bearers and officials within the GPL understand the meaning of public participation which augurs well for the participation process in the Gauteng Province, as it implies that they will be responsive not only to the demands by the public for such participation, but also to be able to engage meaningfully in such participation processes.

Public participation in a country can also be seen both as an end in itself and as a means to an end (World Bank, 2001). As an end in itself, the argument is that “men and women have a right to take part in making decisions that affect their community” (World Bank, 2001). The apartheid regime failed in this regard as it denied this right to the black communities. As a means to an end, it is stated that “[P]eople’s participation can improve governance by making it more transparent, coherent, accountable, effective [and] efficient” World Bank, 2001). While the nature and extent of public participation differs from country to country, in the South African context such participation is informed by the country’s new political culture that developed out of the racially and ethnically segregated components of the apartheid era. A culture that emphasises respect for the rule of law, justice, human rights, tolerance for diversity and the creation of a people-centred-democracy. It is this diversity that contributes to the uniqueness of South Africa amongst the democracies of the world, making the country to be seen as a leader

or at least role model for these democracies, despite the fact that its own democratic institutions still need to develop.

#### **4. FORMS OF PUBLIC PARTICIPATION IN DECISION-MAKING**

There are different forms of public participation in decision-making. Responding to the question: “In your view, what form of public participation do we have in the Gauteng Provincial Legislature?” some political office bearers and officials within the GPL indicated that the GPL has representative democracy whereby elected representatives are expected to present the views of their communities to the GPL. However, the GPL also has direct representations by civil society organisations. Some respondents indicated that the following forms of public participation exist in the GPL: public hearings, petitions, committees, lobbying, road-shows, exhibitions, submissions arising from public awareness on the Legislature’s work, and distribution of brochures. It was also indicated that the GPL has passed the *Petitions Act* to formalise the petition process within the public participation process. This indicates that the interviewees are aware of the forms of public participation that exist in the GPL.

Other forms of public participation include, voting, citizen surveys, public meetings, negotiation and mediation, and consultation. Some of these forms are discussed briefly in the paragraphs that follow.

##### **4.1. Committee meetings**

A committee is a body, which is constituted formally by people who have been appointed or elected in order to examine or deal with a particular matter (Webster, 1995: 197). When committee meetings are used as a method of participation, representatives of relevant groups are required to serve on committees that deal with matters that concern such groups. Committee meetings are interactive forms of participation among members who are capable of undertaking in-depth discussions about the matters under consideration (Masango, 2001). The composition of the committees vary, with many different permutations of political representatives, experts and technical specialists, community leaders and citizens, and representatives of local organizations. Their tasks are equally varied, ranging from overseeing the progress of an initiative, through policy development and implementation, to advice and evaluation. Despite this diversity, committees are highly successful tools in a significant majority of cases where they are used. This is especially true for committees that bring together the municipality and its citizens to steer an initiative and make decisions, and committees with an advisory role or planning mandate.

In the case of the GPL, committees are composed of the members of the Legislature only. These committees are the backbone or the “engine room” of any parliamentary system. It is in committees that members become thorough and develop specialisation in scrutinising bills or calling the executive to account. The core functions of committees are to develop and scrutinise legislation; exercise oversight over the executive and administration; and develop policy. These include the power to introduce a bill; deal with or consider a bill or any matter referred to them by the Speaker; monitor, investigate and even make recommendations regarding any matter they consider relevant; summon any person to appear before them; and request any information they consider essential for its work. There is a fair representation of minority parties on all committees, especially with regard to their speaking and voting rights. All in all, the work of the GPL committees has increased significantly both in terms of the number of meetings and the quality of input into the decision-making process (Maloka, 2000: 112).

## 4.2 Voting

Voting can be described as a process through which the electorate choose among candidates, provided that those candidates are eligible for a particular political vacancy. This is the way public representatives in a democratic country are normally elected as political office bearers and members of legislatures. The right to vote is the only political right that the majority of people in the world exercise. An election is the main formal mechanism of public participation in the modern world. In an election, a person can vote for a new political party to be a lawful policy-making body of a particular country. Researchers could even use the opinions, perceptions and reactions of society as a tool to analyse policy and to evaluate how effective and efficient particular policies are (Masango, 2001: 105).

According to Verba and Nie (1972: 46) voting and campaign activities are two of the major ways in which individuals can participate in politics. To find the other means of participation, one has to look at the kind of activity most different from the electoral situation. The vote represents a massive involvement of most citizens at scheduled times. Both voting and campaign activities take place in responses to elections whose content and timing are set for the citizens, and in which the substantive issues are controlled by candidates and officials. Mgidlana (Undated) argues that when the citizens of the Gauteng Province took part in the ballot system (for national and provincial voting respectively) for the first time in April 1994, citizens exercised the right to vote and participated in determining the future of the Province. The voting process was just one step of participating in the GPL's decision-making processes.

## 4.3 Citizen surveys

Prominent among the new forms of public participation are citizen surveys. During the 1960s and 1970s an increasing number of governmental institutions used questionnaire surveys to solicit citizen opinions on a wide range of public issues and public services. If conducted on random samples of the relevant population, surveys hold the promise of providing the representative opinions that may be an uncertain outcome in any other approach (Thomas, 1995: 12-13).

Conyers (1982: 104) argues that surveys are essential methods of obtaining participation in planning for those involved in the process to visit the area concerned and obtain first-hand information by conducting surveys, interviewing people and holding meetings. This method is essential as a means of obtaining information required in planning, but it is less successful as a means of obtaining effective participation in the planning process as a whole. The main reasons for the limitations of this approach are that it usually requires a considerable amount of time and money to conduct thorough surveys and there may possibly be a communication gap between those conducting the surveys and those being surveyed. This is often because of language or cultural differences.

## 4.4 Public meetings and public hearings

When broader involvement is necessary, public meetings are often the techniques of choice, both historically and currently. The letter of the law on many requirements for public participation can be satisfied simply by holding a public meeting. An open meeting is scheduled, its date and time are advertised to members of the public, and the issue is discussed at the meeting (Thomas, 1995: 12).

A public meeting is an easy, all-purpose way of involving citizens in every stage of a participatory initiative. There is lack of particular information on the effectiveness of such meetings, unless conscious efforts are made to adapt the design, format and progress of a meeting to a particular situation in hand. Public hearings are used more frequently than public meetings. This is unfortunate, because public hearings, although similar to public meetings, are in fact a much more powerful tool for enhancing public participation. The main difference is that public meetings focus on sharing information, whereas hearings have the explicit aim of soliciting people's opinions and reactions to proposals, with the intention of taking this feedback into account. Maloka (2000: 116) states that besides petitions and submissions the citizens can participate in the work of the GPL by attending public hearings on legislation or a sitting of the House.

#### 4.5 Consultation

Masango (2001: 104) argues that public consultation refers to a process of communication between the government and the governed in dealing with a particular issue. Furthermore, consultation can also be defined as a means of seeking advice or information. It is therefore a form of participation in which information is provided and the views of participants are elicited. Such participation can occur through, among other means, the use of questionnaires, public meetings and surveys.

The discussion on public participation has focused on the role of legislatures. However, the executive branch of government will, in the course of its business, also consult with the public in formulating policies, drafting legislation, and drafting regulations. According to Klug, Proctor and Young (1996: 79) there is an expectation in Gauteng that the administrative part of government will become more open to members of the public, as well. And those submissions to the legislature will include an assessment of the effect on the public of policy options. One concern is the strong possibility that both the legislature and the executive will, in the course of formulating legislation discuss the same issues with the same individuals and groups, over a period of time. This can be time consuming for both members of the government and for citizens who are engaged in a consultation or participatory process. Sometimes, the same views are repeated on several occasions. Alternatively, groups may modify their positions overtime as the public debate continues; their input to the legislature on draft legislation may differ from their comments to a government ministry about the policy.

Nonetheless, it is customary that submissions, discussions and meetings which form part of consultation leading to a policy advice to government are given to the particular political office bearer, or are analysed and summarized for the political office bearer and the executive branch of the government. The information coming to government through consultation is not generally provided to the legislature. What the legislature receives, is the end product of the executive's analysis of public opinion and recommended policy solutions or legislative proposals.

#### 4.6 Petitions and submissions

A petition is a written request or complaint made by a member of the public. It can be made in many different forms. It can be received from a single individual or can be a complaint/request, which is signed by a group of people. The main rule regarding a petition is that it must be written and must contain the name, address and signature of the person sending the petition. If a person is unable to write, the person can make a cross in the presence of two witnesses who must sign the petition as witnesses (Mgidlana: Undated).

Section 115 (d) of the Constitution, 1996 mandates the provincial legislatures to receive petitions. The GPL has expanded upon this constitutional right through the establishment of Standing Rules for Petitions and the development of a draft petitions Bill that resulted into a *Petitions Act*, 2002. The Public Participation and Petitions Unit is responsible for administering the petitions process through the establishment of clear procedures for implementing the standing rules. The Public Participation and Petitions Unit has also been involved in promoting the petitions process. To date this has, *inter alia*, involved organising workshops (Report to the Legislature of Gauteng Province on the Work of the Office of Public Participation and Petitions, 1997: 17).

The PPP Unit has been proactive in empowering and encouraging the public to take part in the work of the GPL. Between July 1997 and May 1998, for example, 38 workshops were organised in a number of communities. Since 1998 to date, numerous workshops have been organised. In the words of the Gauteng Provincial Legislature:

*When it has received a petition, the Public Participation and Petitions Unit, forwards it to the Public Participation and Petitions Standing Committee (PPPSC) who decide how it should be dealt with. People at the Public Participation and Petitions Unit then make sure that your petition is dealt with, and they let you know what the result of your petition has been. The Public Participation and Petitions Unit keeps a record of all petitions it receives.*  
(<http://www.gautengleg.gov.za>).

Responding to the question: “Which form of public participation, if any, do you think is best suited for the Gauteng Legislature? Please elaborate on your answer”, some political office bearers and officials within the GPL are of the opinion that public hearings, petitions, community workshops and legislative oversight are more suited for the Gauteng Provincial Legislature (GPL). Some interviewees believe that the petitions process is best suited for the GPL because it is crosscutting and it also serves as a referral source.

One can argue that there is no best form of public participation or rather that one form of public participation can be the best one for a particular situation. The different forms of public participation complement each other. There are advantages and disadvantages to each of these forms of public participation. Therefore, the GPL should only focus on the advantages of each form of public participation.

## **5. FACTORS AFFECTING PUBLIC PARTICIPATION IN DECISION-MAKING**

In order to ensure that the needs and aspirations of the people are taken into consideration in the decision-making and implementation processes, there should be constant interaction between political office bearers and citizens. Therefore, a situation that encourages and/or allows participation in general elections only is not entirely democratic, even though the results of a general election may clearly specify who should govern, they do not adequately address the question of how the government should govern. In fact public participation in decision-making is an imperative for a democratic government (Gildenhuys, Fox & Wissink, 1991: 124). Therefore, in any democratic country, public participation in the decision-making and implementation process is essential. Factors that can substantiate this are discussed below.



## 5.1 Democratisation of the Decision-making and Implementation Process

The involvement of citizens, especially Blacks, in policymaking and implementation was severely lacking in the past. It was mainly limited to compliance. The majority of citizens especially those who were eager to participate in public affairs, perceived the government to be undemocratic and illegitimate. Such perceptions brought anger and frustrations, which were manifested through boycotts and protest actions against public decisions and policies. It was perceived as being undemocratic, since democracy requires that all the people should have access to resources which could empower them as well as the right to exercise their power in such a way that they are able to participate in public affairs (African National Congress, 1994: 120). It is hoped that the new democratic order in South Africa and the democratisation of institutions and processes will contribute to the deepening and broadening of a democratic culture in South Africa (Masango, 2001: 157).

Democratisation requires that the structures and functioning of public institutions be re-established in such a way that they can allow and encourage public participation (African National Congress, 1994: 120-121). In fact, public participation provides a mechanism for democratising the decision-making process in particular and the public administration process in general, to the extent that public participation in public affairs is considered to be a democratic right in many countries (Brynard 1996: 41). The survival of a government depends *inter alia*, on its legitimacy. The government mainly derives such legitimacy from public support. Public involvement in decision-making and implementation make positive contributions to government legitimacy (Fagence, 1977: 340).

## 5.2 Provision of Information to Decision Makers and Implementers

Decision-makers make decisions for and on behalf of the society. Therefore, it is necessary for them to understand the needs and aspirations of the members of the public. This will enable them to articulate such needs and aspirations of the public without consulting the public. On the contrary, information about the needs and aspirations of the public can hardly be obtained by decision makers without the public co-operating. Public participation in the Gauteng Provincial Legislature is therefore a mechanism by which information about provincial conditions, needs, desires and attitudes can be obtained.

The research (Masango, 2001: 158) conducted in Port Elizabeth has shown that, in spite of the fact that public participation is a legal obligation for South African authorities, political office bearers and officials need information from the public for decision-making and implementation purposes. For instance, all respondents to the survey questionnaire administered to the senior officials of the City of Port Elizabeth (now called Nelson Mandela Metropolitan Municipality) stated they would like the City Council and the municipal officials to involve members of the public in the decision-making and implementation processes. This is attributed among other reasons to the fact that experience has shown that when decisions are formulated without consultation and simply imposed on communities, the communities may reject those decisions when they reach the implementation stage. Therefore, taking the input of members of the public into account during the processes of decision-making and implementation are essential since it contributes towards combating dictatorship and promote the principles of good governance.

In order to ensure that the government obtains the information it needs from the public it is supposed to serve, it should communicate with members of the public (Craythorne, 1997: 100). For effective communication to occur, public institutions such as the GPL, should be able to supply the public with information and when necessary, get a response. The same should also

apply to the members of the public. In this regard, the appointment and utilization of public relations officers as well as dialogues between the representatives of interest groups and/or community organizations on the one hand and the representatives of the public institutions, on the other, could help.

Lack of information among the public could, *inter alia* be cured though the dissemination of information and the utilization of the participation techniques. This could inform the public how the GPL serves or intends to serve it, thus enabling people to establish whether or not they are in fact being properly served. Such state of affairs could serve as an incentive for people to participate in GPL affairs, and to insist on being served properly. Consequently, participation could empower members of the public to identify their needs and aspirations, and to mobilize provincial resources in order to meet such needs and aspirations. In this way the provision of information to the public could lead to, among other things, improved service delivery at the Gauteng Provincial Government.

### 5.3 Promoting Responsiveness to Public Needs

Responsiveness of the public officials and political office bearers to public needs can be defined as the taking of non-arbitrary, pertinent and timely actions by public officials and political office bearers in response to needs expressed by some members of the public (Brynard 1990: 60). There are three important requirements for the responsiveness of decision-makers and public officials to public needs: members of the public should express their needs, there should be adequate perception of the expressed public needs by decision-makers and/or public officials (Kaufmann, 1991: 75) and decision-makers and public officials should not only have the will to take expressed public needs into account during decision-making and implementation processes, but should actually take them into account.

Therefore, for decision-makers and officials to actually be responsive to public needs, there should be mechanisms through which members of the public can express its concerns. Methods of participation such as consultation could contribute towards enhancing the responsiveness of policy makers and public officials to public needs (Masango, 20021: 161).

The *White Paper on Transforming Public Service Delivery (Batho Pele White Paper)*, 1997 was promulgated for the express purpose of promoting the responsiveness to public needs in South Africa. The White Paper lists eight principles for service delivery to guide public officials, particularly in the national and provincial spheres of government, to serve citizens in a responsive manner. The purpose of the White Paper is to encourage public officials to respond to people's needs by listening to their views and taking them into account when making decisions about what services should be provided, treating them with consideration and respect, making sure the promised level and quality of service is always of the highest standard and responding swiftly and sympathetically when standards of service fall below the promised standard.

An adequate response to citizens' needs and aspirations cannot always be attained by relying on legislators as the citizens' representatives (Kaufmann, 1991: 71). The utilization of strategies such as citizen participation, decentralization, the employment of public relations officers, reorganization, and citizen awareness in order to enhance responsiveness (Brynard, 1990: 63-66) remain essential throughout.

## 5.4 Control Mechanisms for the Making and Implementation of Policy

Control can be described as a process made up of three distinct steps: the measuring of performance, comparing the performance with a set standard to determine if there is any difference and correcting any significant deviations through remedial action (Craythorne, 1993: 263). Therefore, informed members of the public could exercise control over the decision-making and implementation processes of their institution such as GPL by monitoring the activities of decision-makers and public officials.

A situation that limits public participation to general elections only is not fully democratic, since the government concerned may abuse its authority after a general election (Reddy, 1996: 4). Continuous public participation in policy making and implementation could serve as a mechanism to limit the abuse of authority. For instance, an informed citizenry could ensure that public officials use their discretion in a responsive and responsible manner.

Members of the public can do this *inter alia* by demanding accountability and complaining about poor service. Public participation may, therefore, contribute not only to ensuring that there are smooth processes of policy-making and implementation in place, but also to ensuring that provincial government is run in accordance with the principles of effective governance. However, although public participation could serve as a control mechanism, it should not be based exclusively on mistrust, since this may generate unnecessary conflict (Masango, 2001: 166).

On the question: "Which two main factors do you think policy-makers must always consider to ensure that public participation is included in the GPL's decision-making processes?", some of the political office bearers and officials interviewed identified the following factors: accessibility for those who come to public hearings (in terms of language used and disability) and building relationships with stakeholders. In planning and prioritisation of public participation in committee work, the Legislature must create a conducive environment for people to participate, timing - when does the GPL engages with their stakeholders, information to the public by the Legislature and *vice versa* (the PAVE approach)<sup>3</sup>, MPLs should be more involved with their own constituencies and encourage them to participate in the Legislature's decision-making processes and through Twenty-four hour working departments and consultation.

From the above inputs from political office bearers and officials within the GPL, it can be argued that the GPL should create an environment conducive to effective public participation by ensuring that the buildings in which public hearings are held are accessible to people living with disabilities. They should also use the languages spoken by most people in the neighbourhood and they must also ensure that MPLs are involved more with their constituencies.

## 6. MODELS OF PUBLIC PARTICIPATION

Various models of public participation are identified in the literature. These models owe some of their characteristics to a conceptual and comparative investigation of different forms of public participation and some of them are derived mainly from a review of the current practice in the ten South African legislatures (one national and nine provincial). The models represent various ways in which public participation in the legislative and policy-making processes may be facilitated. They also offer insights into the way public participation currently works in the

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<sup>3</sup> Print, Audio, Visual and Electronic media.

national and the nine provincial legislatures, including the Gauteng Provincial Legislature. Where possible, the potential advantages and disadvantages are also discussed in this section.

### 6.1 Populist democracy

Populist democracy, also known as people's democracy or populism, is based on the assumption that all people are equal (on the basis of a common man or woman) and must be treated as such. It means that there should be no inequalities and that all people must be treated alike regardless of their capacities to contribute to the general welfare (common good). It also assumes that the common man or woman knows what the common good is in terms of the values and needs which should be valid for everybody. The proponents of populist democracy have always been sympathetic to the workers, the small-scale traders and the farmers who are the most numerous in every society. These individuals are often referred to as the poor (common people) compared with the leaders who had been in public office for lengthy periods and who appear to be arrogant and difficult to reach. For the supporters of populist democracy, government "for the people" came to mean "government for and by the majority" (Cloete, 1993: 9).

The proponents of populist democracy tend to justify this model through mass movements that will give the impression of participatory democracy. Mass movements could, however, result in mob rule and this can become an instrument of tyranny. To make the most of mass movements, the supporters of populist democracy will search for charismatic leaders or "heroes" who will be able to exercise constructive leadership once the majority comes into power. They also assume that leaders voted into power will govern effectively and to the satisfaction of all. Little attention is given, therefore, to the need for constant control over and replacement of the elected rulers who could become dictators. Obvious control instruments are referendums, ombudsmen and constitutional courts.

### 6.2 Liberal democracy

All models of public participation are based on the ideal of political equality. Thus the liberal public participation approach claims that all people should be politically accepted to be equal, but it also acknowledges that individuals differ in their personal capacities and ability to provide for themselves. Thus the liberal democracy proponent can only demand that every person should be given the opportunity to develop and reap the fruits of his or her own potential. All public activities that provide special privileges for individuals and groups – including the majority group, which is in power as was the case with the whites in South Africa – are unacceptable. Thus liberal democracy demands that everybody should have protected equal rights, which will ensure that some persons do not have special rights or others are subject to damaging disadvantages. Liberal constitutional democracy requires regular elections and the presence in the legislatures of representatives of opposing political parties – of majority parties and of minority parties. Thereby, majority rule could remain acceptable (Cloete, 1993: 8-9).

### 6.3 "Pure" Representative Democracy

Cloete (1993:7) argues that representative democracy is applied in many states to obtain majority rule. The usual arrangement is to divide the state into geographical constituencies (also known as electoral districts or divisions) and to allow for one or more representatives to be elected by the electorate for each constituency. However, a system of proportional

representation could also apply for the election of representatives. The representatives will then serve as members of the sovereign legislature, or even subordinate legislatures for regions or municipalities to speak and vote on behalf of the citizens. According to this model, the electorate or members of the public elect their representatives, who pass laws in the legislature and oversee their implementation by the executive branch of government. The participation of the members of the public is limited essentially to election time (IDASA, 2005).<sup>4</sup>

#### 6.4 A Basic Model of Public Participation

In terms of the Basic Model of public participation, the public intervenes by interacting with its elected representatives at various times in between elections. The model, however, is silent about the nature and form of that interaction. The usefulness of this model is also limited by the fact that it does not define or explain who or what the “public” means. Although the voting public potentially includes all citizens over eighteen years of age, the nature and identity of the “public” shown to be in dialogue or relationship with members of Parliament are not revealed. As IDASA (2005)’s monitoring of public hearings and public submissions in the national and provincial legislatures has shown, the “space” that has been created for participation in the legislative process is used chiefly by what are described as “stakeholders”. Despite a lack of precise data, it is generally agreed that these consist mainly of organised and relatively powerful interest groups.

#### 6.5 “Realism” Model of Public Participation

It is often argued that the “realism” model is the most effective form of public participation. Such an argument is based on an essentially corporatist model of political interaction, where consensus is reached at a “roundtable” consisting of the primary interest groups. NEDLAC, established as a forum for organised labour, employers and government, is a typical example of such a model. Applied to the legislative process, the key public actors consist of the broader general public or electorate, represented by their elected representatives on the one hand, and the various key interest groups or stakeholders on the other. The public participation process arbitrates an exchange between the two.

The successful balancing of these interests depends on a dynamic relationship between elected representatives and their constituencies, characterised by constant interaction and clear communication. Such engagement depends, however, on the capacity of and resources available to the representatives concerned. In South Africa, not only are capacity and resources seriously limited, they are compounded by two other factors. The first factor is physical. The sheer size of the country, with its vast distances and weak transport links between urban and rural areas, make regular and intensive interaction difficult.

The second factor is that representatives are elected by the party to a party list and occupy seats in the legislatures on the basis of proportional representation. There are, therefore, no formal constituencies. Although the party allocates members to constituencies, candidates seeking election are dependent not on the constituency but on the party. This weakens the link between the electorate and the individual representative. Given these constraints, it may be argued that this model contains many of the weaknesses of the “pure” representational model, in that it limits broader public influence to voting in elections. According to IDASA (2005), given the numerous constraints to public participation in South Africa, this is the best model available. It is not, however, the system favoured by government or the Legislature itself.

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<sup>4</sup> Institute of Democracy in South Africa.

## 6.6 “Possible Ideal” Model for South Africa

The “Possible Ideal” model is proposed - extended to include three categories of participants: those who are organised and strong, those who are organized but weak and those who are weak and organized. This model includes two additional dimensions. The model includes political parties as key actors in the matrix of political interaction. The majority party, particularly, has the capacity to control, not only decision-making itself, but also the rules that govern that process. Furthermore, in a Westminster-based parliamentary system, where members of Cabinet are drawn from the legislature, the parliamentary caucus of the majority party is the forum where the executive overlaps with the legislature. It is therefore, an essential location of political power.

Moreover, where the majority party has strong and efficient regional and local party structures, the wider party structure may provide a valuable network, linking individual constituents and communities with their elected representatives. Party structures can be used to ensure that local views and grievances filter up through the system as well as providing channels for the distribution of information exists on the ground. Finally, in South Africa the African National Congress as the ruling party, is part of an alliance with COSATU, the largest labour confederation in the country, and the South African Communist Party. This results in a broader public and social agenda than is found in democracies such as in the United States, Europe and other parts of the democratic world. This further broadens opportunities for public participation and interaction beyond the formal procedures and institutions of representative governance.

In its representation of the decision-making process, the model links the executive with the legislature. It has become increasingly apparent that one of the key sites for intervention is in the executive domain. It is also clear that the earlier the intervention the better. Thus, intervention should take place when the executive drafts policy rather than after that policy or legislation is introduced in a legislature. The model, therefore, proposes a holistic approach to public participation, rather than a separation of the legislative from the policy-making process.

From the analysis of the above models of public participation, it can be argued that the “Realism” model, which is the most effective form of public participation, exists in the GPL. This conclusion is based on a corporatist model of political interaction, where consensus is reached at a “roundtable” consisting of essential interested parties or stakeholders. Its disadvantage, as outlined above, is that there are no formal constituencies. This weakens the link between the voters and the individual representative. The limitations of this model, especially that of limiting broader public participation to voting in elections should be compensated for by strengthening various forms of public participation such as consultation, public hearings and petitions processes.

## **7. COMPARATIVE ANALYSIS: BEST PRACTICES WITH REGARD TO PUBLIC PARTICIPATION IN DECISION-MAKING**

The importance of comparative analysis in public participation cannot be over-emphasised. This could be done by drawing some comparisons between the best practices of public participation throughout the world and those of South Africa. According to the United Nations, public participation in decision-making is on the increase in Africa but this has yet to increase substantially the access of women and youth to decision-making processes

(SARDC/IUCN/SADC,<sup>5</sup> 1994, cited in GEO 2000). This observation is quite significant given the fact that both women and youth together often constitute two of the most active components of society without whose contribution in the policy- and decision-making processes African societies cannot claim to embrace good governance and democracy.

## **7.1 The International Experience**

### **7.1.1 Consulting on health policy in Canada**

This case study begins by outlining the legislative framework in which Canadian health and healthcare are situated. The formulation of the *Canada Health Act* is briefly outlined to illustrate that: (1) the evolution of Medicare has been widely supported by citizens, indicative of the depth of citizen involvement and investment in national health care, (2) the evolution of the system has placed hospitals and physician services at the heart of Canada's health care system and, correspondingly, (3) the evolution of Medicare has established specific stakeholders, most prominently, physician and hospital associations – as central to the policy development process. This has resulted in the effective involvement of prominent stakeholders and “experts” in policy development for health, while the roles of citizens – as individuals and/or coalitions – have only recently become more clearly defined and understood.

In 1994, the Federal Government committed itself to examining the health system in the Speech from the Throne. The national Forum on Health (popularly known as the Forum), a federal initiative with the mandate “to involve and inform Canadians and to advise the federal government on innovative ways to improve their health system and the health of Canada's people”, was the fulfilment of this commitment.

This case study highlights several unique aspects of the Forum. First, the Forum involved both citizens and stakeholders and makes deliberate efforts to incorporate and balance the views of both. Second, the Forum structures its public consultation in two phases. The first phase involves an initial scoping of health concerns and ideas that Canadians have regarding the present and future direction of health and health care issues, and the second phase allows the Forum to “ground test” its directions before they become recommendations. Finally, the Forum makes use of public deliberation as a tool for citizen participation. The Forum illustrates that Canadian citizens are able to constructively inform policy development when supported by accessible and timely information. This finding is essential in light of the widely held belief that policy development within Canada's health sector is too complex to allow citizens to be effective participants.

In February 1997, the Forum presented its recommendations to the government just weeks before the Budget was presented. A number of recommendations made by the Forum were immediately acted upon. For example, the Federal Government established a Health Transition Fund of CAD \$150 million over a three-year period to be allocated to the provinces to help them to launch pilot projects to investigate new and better approaches to health care delivery, including approaches to home care, Pharmacare and primary care reform. An additional CAD \$50 million over a three-year period was put in place to launch a Canada Health Information System, and several programmes to improve the health and well being of children were announced. Finally, the Federal Government guaranteed a minimum level of funding in cash

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<sup>5</sup> Southern African Research and Documentation Centre (SARDC) is an independent institution that collects, analyses and disseminates information about the southern African region. IUCN is the International Union for Conservation of Nature and Natural Resources.

transfer payments to the provinces in support of health, post-secondary education and social services/assistance. Because the Forum had involved citizens and stakeholders from the start, it could assure the government that policy directions rooted in the Forum's work would be widely supported.

The case study concludes by highlighting promising directions regarding citizen involvement in policy development, both within and beyond the health sector. Three directions of particular significance are: (a) Health Canada's recent efforts to establish a strategic policy framework for public involvement, (b) the Government of Canada's current initiative to develop a policy for engaging Canadians, and (c) a renewal federal/provincial/territorial commitment to work in collaborative manner in setting and achieving social policy objectives as expressed in the recent signing of the Social Union Framework Agreement (OECD, 2001: 85).

### **7.1.2 Public consultation on education policy in the Czech Republic**

This case study begins with an overview of the legal and institutional context for access to information and public consultation in the Czech Republic. Traditional means of providing public information originating from government (such as newsletters or radio broadcasts and feedback by citizens (such as letters and petitions) were recently strengthened by the first appointment to the post of Ombudsman in December 2000. The report charts the growing use of websites and portals by the public administration at the national, regional and local levels to provide information to citizens – but it should be noted that the use of the Internet for on-line consultation remains rare.

The case study itself focuses on a recent public information and consultation exercise called “A Challenge for 10 Million” conducted during the preparation of the Government White Book on Education Policy in 1999 to 2000. Information on the policy proposal and opportunities for public consultation was provided through a special bulletin, press conferences for the media and a dedicated website. A series of public discussion sessions and roundtables were organized throughout the country by schools and educational institutions.

The case study provides an evaluation of the public information and consultation campaign based on independent reports and additional interviews with key participants. It finds that the public participation process was largely focused on education professionals (such as principals and educators) and that less attention was paid to providing information to, or soliciting the views of, the general public (including parents and students). Finally, it recognizes that these initial efforts to introduce broad-based public consultation in national policy-making represent an essential culture shift and positive contribution to strengthening government-citizen relations in the Czech Republic.

The case study concludes with several concrete policy lessons based on the Czech Republic's initial experience of engaging citizens in policy-making, including the need to:

- raise the capacity of the public administration to plan, manage and evaluate public information and consultation exercise
- overcome citizens' diffidence towards the public administration through concerted and repeated efforts to engage them in consultation
- build trust in the process by providing feedback on contributions made to the discussion and
- provide full public information on the policy issue under discussion, the consultation schedule and official contact points (OECD, 2001: 145).



## 7.2 The South African Experience

In South Africa, the new legislation gives guidelines on how the country enables the public to participate in the governance processes. For instance, “The Public Participation and Information Section of the National Parliament aims to further public understanding of, and participation in, parliamentary processes in accordance with Chapter 4, sections 59 (1) and 72 (1) of the Constitution of South Africa (Act 108 of 1996)” (Masango, 2001: 113). Accordingly, public participation programmes that are intended to provide a platform for engaging the citizenry include the following:

- ❑ the development and implementation of communication and information strategies of members’ support programmes (e.g. constituency office development, Human Rights Day, Freedom Day, Workers’ Day, Youth Day, National Women’s Day, [and] the Year of Science and Technology);
- ❑ networking, interfacing and joint participation with private sector development organisations such as Khulekani and Street Law;
- ❑ the co-ordination of public consultation programmes

### 7.2.1 KwaZulu-Natal Provincial Legislature

Public participation in the KwaZulu-Natal (KZN) Provincial Legislature is still at a rudimentary stage. Research into public participation in the KZN Legislature was conducted over the period July-October 2001 (PPP Research Project: Public Participation in the KZN Legislature, 2002). A series of interviews were conducted with the political office bearers within the Legislature. The aim of the research was to establish a baseline of methods used by portfolio committee chairpersons and other structures and role-players to encourage public participation, the level of public participation experienced to that date; recommendations on how public participation in the Legislature could be improved; and ways in which the Provincial Parliamentary Programme (PPP)’s programme and services could be used to strengthen such public participation. From this, the PPP hoped to develop a best practice model for public participation to present to the Legislature for its consideration.

The research conducted indicates that there is inadequate information made available to the public on the Legislature’s weekly agenda, as well as issues and legislation under its scrutiny. Inadequate use is made of media available to get the information out to diverse communities. There is no adequate planning and communication between the Executive and the Legislature about upcoming legislation and, as a result, MPLs, committees and the secretariat are not given adequate time to consult communities on their views on this legislation. The other issue is that there is no clarity on where responsibility for public participation lies within the Legislature. The current Communication Unit does not have adequate focus, programmes, capacity and resources to fulfil its constitutional obligation. Senior officials do not appear to appreciate the significance of developing an effective public participation programme, and allocating the necessary resources to facilitate this. The Legislature has no central point where members of the public can channel concerns, petitions or seek information. There is a complete lack of understanding of the structure, role and functioning of the Legislature within communities and civil society organisations (PPP Research Project: Public Participation in the KZN Legislature, 2002).

Public hearings are not accessible to ordinary citizens and civil society organisations based in rural communities. In addition, the language used at hearings is intimidating to ordinary citizens. Moreover, public hearings are poorly advertised and attended. It is further stated that there is no standardised, effective mechanism to ensure that all public submissions and recommendations

are systematically assessed and considered by committees. Another concern raised, is that there is no policy on providing feedback to individuals and groups that have made submissions on an issue, informing them of what was done with their recommendations. Lastly, it is stated that there is no common understanding of the role and function of constituency offices, and that these offices are inadequately publicised within communities. Constituency offices are inadequately utilised as a means to disseminate information on and awareness concerning legislative processes to members of the public (PPP Research Project: Public Participation in the KZN Legislature, 2002).

On a positive note, the PPP hosted a regional workshop from 30-31 July 2001 at the Beach Hotel in Durban. This process followed from the PPP's district advocacy training and support programme, which saw the PPP conducting a workshop in each district for local community-based organisations, to share information on the structure of government at national, provincial and local spheres, key role players within these structures and their responsibilities and the policy and legislative processes at all three spheres, and opportunities for public participation. The PPP, in conjunction with its consortium partners such as the Institute for Multi-Party Democracy and the Institute for Democracy in South Africa (IDASA), hosted a provincial advocacy symposium on 1-2 August 2001, focussing on public participation in governance. Various issues and recommendations in relation to public participation in government processes were raised at that symposium.

Furthermore, the KZN Legislature has drafted a public participation programme for 2004-2009. This deals with the programme of action, implementation strategies and time frames. Programmes identified include public hearings, community workshops, road shows, prison outreach, Youth Parliament, Women's Parliament and sectoral parliaments. Implementation strategies for community workshops include the organizing of venues for workshops, publicizing workshops in those identified areas and forging partnerships with community-based organizations (PPP Research Project: Public Participation in the KZN Legislature, 2002). It can be argued that the success of these programmes will mainly depend on the commitment of political office bearers and officials to promote participation as well as the availability of resources.

### 7.2.2 Western Cape Provincial Parliament

The Communication Section of the parliamentary administration facilitates public participation and initiates public participation programmes. Public participation programmes in the Western Cape Provincial Parliament include casting one's vote, broadcasting parliamentary debates live on television, representations to a committee considering a bill, public hearings and staying in regular contact with one's representatives. In addition, schools are invited to visit the Western Cape Provincial Parliament to find out more about democracy, Parliament's role and functions, the Executive, what members of Parliament do, and to see Parliament in action by attending committee meetings and sittings of the House. The Youth Parliament is an annual event held as the culmination of the schools outreach programme. Some learners who are selected from all the schools visited are often invited to participate in the two-day event held in Cape Town at the provincial Parliament. The programme of the Youth Parliament consists of briefings by the Speaker, members and parliamentary officials, a mock committee meeting and a sitting of the House in which participants take part in debates (<http://www.wcpp.gov.za/display.asp?id=109&linktype=1>, 24/01/2005).

In Australia, as in Europe and the USA, public participation in the decision-making processes means any of the following activities: commenting on the actions and abilities of elected representatives; making submissions to government officials; circulating petitions; expressing opinions on issues of public interest through articles and pamphlets; letters to the editor; producing paraphernalia such as banners, T-shirts and bumper stickers; protest marches; strikes; and civil disobedience (Bover & Parnell, 2004).

To some extent, the Gauteng Provincial Legislature is already undertaking many of the above positive communication activities, but perhaps there is a need to increase the scale and intensity of these activities. Moreover, some respondents in this study commented that sometimes the low level of literacy and numeracy in some poorer communities in the Gauteng Province undermine the Legislature's efforts at increasing public participation in the decision-making process. This clearly indicates the Gauteng Provincial Legislature's intentions to accommodate public participation in the decision-making processes of the Province, a move that should consolidate the democratic government's departure from the overtly discriminatory, top-down and heavily centralised decision-making practices of the past.

## **8. ROLE OF CIVIL SOCIETY IN PROMOTING PUBLIC PARTICIPATION IN DECISION-MAKING**

### **8.1 What is Civil Society?**

Civil society includes those organisations that are separate from the legislative and judicial powers of the state e.g. labour unions, religious groups, cultural and educational associations, sport clubs, student groups, political parties and ethnic groups adhering to their own rules of conduct and distinctive customs. The voluntary associations are also known as non-governmental organisations (NGOs). The activities and interests of associations, which constitute civil society, will always be major factors in the running of any state. All public institutions will, in making decisions and implementing those decisions, have to take into account the attitudes and activities of the institutions constituting civil society. Public institutions will, for the proper performance of their functions, often establish formal contact with relevant institutions in civil society. The public institutions exist to provide essential services, which individuals and private institutions cannot provide on their own. There must, thus, be interaction between the private and public sectors to ensure realistic co-operation for the meeting of communal expectations (Mafunisa, 2004: 490).

The existence of civil society depends on legally enforceable rights of freedom of association and expression, the rule of law and protected citizenship. It is for this reason that individuals enter into a relationship with the state and with other individuals and are able to produce discourse that may even contradict actions of the state. From this perspective civil society is strengthened by the existence of a democratic state, but civil society can function (albeit with difficulty) without democracy. This can be seen through the emergence of vibrant civil society formations during the apartheid years of civil society oppression.

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<sup>6</sup> Southern African Research and Documentation Centre (SARDC) is an independent institution that collects, analyses and disseminates information about the southern African region. IUCN is the International Union for Conservation of Nature and Natural Resources.

## 8.2 Civil Society and the Transition to Democracy

After the first democratic elections in 1994 the role of civil society changed dramatically *vis-à-vis* the state and society in South Africa. The 1994 election led to the expectation of a shared path forward for development, since many of the leaders of the anti-apartheid struggle moved to positions of power in the new ANC-led government. This resulted in the dearth in civil society leadership, which left civil society organizations weak and at times unresponsive. Many civil society stakeholders had close ties to the new government and, trusting their comrades to deliver on their promises, they saw a less obvious role for themselves as watchdogs. Deep loyalty to the anti-apartheid movement also kept voices of criticism at bay, as the ANC policy of a unified front prevailed.

Moving from an adversarial relationship with government, civil society had to re-launch itself as a partner of government, recreating society and extending service delivery. This shift was in its most practical form, played out in the Reconstruction and Development Programme (RDP), which was hailed by many in civil society organizations as the panacea of poverty and inequality. It laid the basis for redistribution strategies that would translate into the upliftment of poor communities, addressing backlogs and revamping the political and socio-economic system to reduce poverty and inequality.

When the state committed itself to the RDP the ANC called on civil society organizations to play a central role in development. However, in 1996 when the RDP was replaced by the Growth, Employment and Redistribution (GEAR) strategy, without consultation with civil society, expectations and relationships began shifting. Some have blamed the somewhat estranged relations between the ANC and others in the mass democratic movement on a shift in ANC thinking, away from a socialist and towards a neo-liberal policy and rhetoric.

## 8.3 Views of Civil Society on Public Participation

As civil society finds its feet ten years into a new democracy in South Africa, there are several challenges, both political and socio-economic that present themselves. Research by de Villiers and the Institute for Democracy in South Africa (IDASA) (2001) indicate an increase in public participation in government policy formulation since the 1994 elections. Swilling (2002) also reports on the size and scope of the non-profit sector in South Africa and how it contributes towards community development. Civil society is vibrant and free to question and contribute towards state policies and actions.

Responding to the question whether they are aware of the PPP Unit and its programmes, the South African National Council for the Blind (SANCB) states that they are not aware of the PPP Unit but have taken part in the activities of the GPL when they were invited to the Premier's *Imbizo* whereas the South African National Civics Organisation (SANCO) states that they are aware of the Unit's activities and that they have participated in some of those activities. They also indicate that there are still major improvements to be made as they have not seen the MPLs themselves directly engaging communities, although they (GPL) do invite a number of schools to observe the GPL's proceedings. When asked about the public participation challenges facing GPL, SANCO indicated that communities are usually guided on how to participate and thus channelled towards a particular process (as if the GPL states: "we want this group and not the other"). A typical example in this regard is the *Liquor Act* in which only the shebeeners were invited by the GPL to comment. There seemed to be reluctance on the part of the GPL to allow everyone (including non-shebeeners) to participate in the formulation of the Bill (before it became an Act).

The SANCB asserts that there are indeed benefits associated with public participation in that they consider themselves being part of the society. They state that they obtained information on government services at gatherings to which they were invited by the GPL. SANCO also argues that there are benefits to public participation, even though public hearings and *Imbizos* are addressed by politicians who are often in a hurry to leave for their next meeting/engagement. Thus members of the community are sometimes unable to put their views across. On the question: “How influential is public participation in the GPL’s policy-making process?”, SANCO believes that the public participation process is not influential, for example SANCO has not seen COSATU attending the Legislature’s proceedings when the budget is debated. Thus, the inputs by communities on the budgetary process are limited. SANCO argues that the GPL must contact all civil society organisations to find out how they (civil society) can contribute to the public participation process.

The SANCB quoted the slogan of the disabled people in South Africa: “ Nothing on us without us” to emphasise their position that there is a need for a specific desk for disabled people within the GPL so that the relevant authorities may advise the Legislature on issues relating to disabled people. They argue that the best person to occupy this position should be a disabled person (as shown by the examples of disabled national MPs who have constantly raised issues of disabled people in the National Assembly).

From the above discussion, it can be argued that GPL should develop strategies to effectively and regularly engage with provincial NGOs such as SANCO and SANGOCO, community- and faith-based organisations on matters affecting the Legislature. These strategies include the joint-hosting of provincial workshops on matters common to both, consultation on proposed plans, programmes and policies, etc. in which the Legislature will require meaningful participation by the public. In addition, there is a need for a specific desk for disabled people within the GPL. The function of this desk will be to advise the GPL on policy and other issues that affect people with disabilities. Priority should be given to people with disabilities to run this desk as they are in a better position to understand the needs of the disabled.

## **8. TOOLS FOR MEASURING THE IMPACT OF INPUTS BY MEMBERS OF THE PUBLIC IN THE PUBLIC PARTICIPATION PROCESS**

South Africa made its transition from authoritarian rule to democracy with a founding election in 1994. In the five years following this election, many changes have occurred, notably in terms of formalisation of structures of civilian representation, oversight and participation (Roefs & Liebenberg 2003: 279-280). Several interviewees in this study emphasised the need for the Gauteng Legislature to begin assessing the impact of its public participation programmes. The aim is to establish how communities actually become involved in the various programmes of the Legislature, the advantages and benefits of these programmes, their limitations, how these could be overcome and to ensure that all the available government services are clearly understood and easily accessed by the public.

There are many tools that have been used to measure the impact of public participation by development activists, academics and scholars who have studied such activities in many countries. According to Bowman and Roberts (2004)<sup>7</sup> “public participation is not a monolithic concept” and can be measured using a set of tools and variables. Using the environment as an example, they cite such tools as the formulation of (environmental) policies, which require public participation to be perceived as being legitimate. The development of relevant legislation also

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<sup>7</sup> (Cited in Nagy et al. 1994 [online] [www.rec.org/REC/Publications/](http://www.rec.org/REC/Publications/), retrieved 01/10/2004).

requires a form of public participation, as is the development of regulatory standards to ensure compliance with the policies and laws.

Bowman and Roberts further state that in the case of the environment, the issuance of permits for activities with potentially adverse environmental effects often assist in the maintenance of regulatory standards, which can only be achieved if the level of public participation and compliance to maintain such standards can be enhanced. While the extent of public participation often increases particularly when people want to challenge or oppose the enforcement of certain laws, regulations, and permits, the inputs arising from such popular actions are usually helpful in local and regional planning and decision-making. While some issues, e.g. privatisation, are usually contested and subject to public condemnation in some countries, Bowman and Roberts argue that public participation plays an important role to resolve trans-boundary environmental issues.

Each of these tools and variables can be subjected to rigorous impact assessment methods that could help to explain the essential role of the legislature in encouraging public participation by suggesting practical interventions emanating from the public participation processes it accommodates. In the context of South Africa's post-apartheid realities, such interventions require a legislature with both the political will and administrative capacity to intervene strategically especially on behalf of the previously (and currently) disadvantaged individuals and groups. But this has to be understood within the context of intergovernmental links and relationships amongst both the three spheres of government (National, Provincial and Local) and the three branches of government, namely the Executive, Judiciary and Legislature. In fact, in the South African context the major challenge facing all these spheres and branches of government is to ensure that 'Government', both in its conceptual and practical manifestations, is simplified and made easily accessible to ordinary citizens or communities.

Thus, it is argued that there are methods that must be developed to measure or assess the impact of each of the above tools. "For instance, to participate in the development of legislation, the public may wish to provide written comments on a draft law, participate in a public hearing on the draft, draft their own law, etc." (Bowman and Roberts, 2004). In addition, "A new OECD<sup>8</sup> report finds that engaging citizens in policy-making is an investment in good governance, helping to build trust in government and to strengthen civic capacity — as long as governments know what they are inviting their citizens to do and why" (Focus, 2001: 1). This last point is quite crucial because the government/ legislature (or any other public institutions) requires clarity on its part to ensure that public participation does not become mere talk and less action.

Another writer (Keulder, 2003: 2) mentions that political culture is quite critical to the explanation of public participation. He states that there are three 'orientations' that affect such participation, namely people's orientations towards government structures; their orientations towards others in the political system, as well as their orientations towards their own political activity. The question of orientation is quite important as it plays a greater role in enhancing the extent of participation by the public.

Clearly, the issue of measuring the impact of public participation in the decision-making processes of any legislature's programmes and projects is at the heart of attempts to answer the question, "Why should we have community participation?" In countries such as Australia, the issue of measuring the impact of public participation in the decision-making process in an effort to answer this question has been explained as follows. First, it is stated that participation is an

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<sup>8</sup> Organisation for Economic Cooperation and Development.

ethical and democratic right; as a democratic right in a liberal democracy, such participation is reinforced by government legislation (for example, consumer's rights, requirements for public participation in environmental planning, local government legislation etc.). Second, it is stated that participation improves service quality and safety (e.g. helps gain health service accreditation). Third, the need to demonstrate an organisational commitment to consumer or community participation is a requirement of the Australian health service accreditation programmes. Fourth, public participation is said to improve health outcomes, e.g. Renhard (1998) notes that not only is participation likely to lead to more appropriate and better quality treatment with better outcomes, but that the very act of participating in health care decisions has been shown to improve outcomes, irrespective of the treatment chosen. Thus, suggests, participation makes services more responsive to the needs of (the public) because such participation can help to increase the responsiveness of the service to the community or consumers.

## **10. OBSTACLES AND CHALLENGES TO EFFECTIVE PUBLIC PARTICIPATION**

Public participation in policy-making and implementation could present numerous challenges. Some of these challenges are discussed briefly below.

### **10.1 Lack of a Culture of Public Participation**

The culture of participation could be described as a lifestyle that upholds the principle of participation while it can also be handed down from one generation to the next. Culture is therefore highly relevant to public participation. During the apartheid era public participation in provincial government has neither been encouraged nor been the norm. Organized public participation in local government was limited to the ratepayers' associations in the White local areas. The majority of South Africans, particularly Blacks, were not permitted to participate in policy-making and implementation processes although they were encouraged to comply with the implementation of decisions that were affecting their lives. Towards the end of this era, in the 1980s, the struggle against apartheid mainly from Blacks was intensified through *inter alia* boycotts and political protests. The political activists played a leading role in organizing such boycotts and protests. Following their lead, many people became involved in initiatives intended to dismantle apartheid. Because this was not an overt operation, there was insufficient time to educate people on how to participate in initiatives against the state, to the extent that measures that included intimidation had to be used in order to get members of the public to participate.

In the run-up to and during the 1994 general elections and the 1995 local government elections, political participation reached high levels. This was probably due to the high expectations people had, based on promises made during the election campaign (Masango, 2001: 168). After the elections, the focus of public participation had to change from being against the state to being in favour of the state. This meant that those community members who had for quite some time boycotted the payment for services rendered by their municipality would now be expected to be actively involved in supporting the policies and initiatives of the state.

### **10.2 Lack of Information**

The majority of South African citizens are ignorant regarding the activities and even the existence of public institutions to the extent that they cannot make effective use of provisions for contact with such institutions (Cloete, 1996: 27). A lack of information about the functioning of provincial government could also limit public participation at provincial government sphere. The findings of a recent survey nationally by the Khululekani Institute of Democracy in South Africa

have shown that many citizens do not understand the functioning of their own municipal council and at the same time feel ill informed about decisions made in Parliament. This implies that due to a lack of understanding, it may be that the opportunities for public participation offered by certain institutions are not utilized. For instance, members of a community in a certain ward may not bring their problems, needs and aspirations to the attention of their ward councillor, due to such lack of understanding (Masango, 2001: 169).

A lack of information may have a bearing on the competence of the members of the public with regard to meaningful public participation. For instance, it is argued that people should have a certain minimum level of intelligence and knowledge for any participation programme to succeed (Beach 1985: 360). Therefore, the fact that the public may lack information about the functions, functioning and even technical matters of provincial government may render public participation ineffective. Commonly utilized participation techniques do not always accommodate lay inputs into the participation process (Fagence, 1977: 339). Therefore, members of the public who do not have sufficient knowledge to understand and/or make a meaningful contribution to the process of public participation may feel powerless and discouraged.

### 10.3 Inadequate Skills for Public Participation

In addition to the basic knowledge, the effectiveness of participation may depend upon the availability and effective utilization of skills such as public speaking and community organization. The skill of public speaking, for instance plays a role in meetings, radio, and television talk shows and public hearings. People who lack the skills needed in public speaking situations may feel intimidated by the environment of participation and consequently withdraw from the process (Masango, 2001: 170).

Community organizations play a crucial role in the effectiveness of public participation. Properly organized communities have better prospects of being effective in the process of participation than the poorly organized ones. This can be attributed to the fact that their members can co-ordinate their efforts properly and direct them towards their community representatives. Therefore, if communities are poorly organized, it may have negative effects on participation.

### 10.4 Population Diversity

Population diversity in provincial government constituencies could be detrimental to public participation. For instance, social, cultural and language diversity in constituencies could impede effective public participation (Masango, 2001: 170). Due to language diversity in South Africa, English, which is not the mother tongue of most members of local communities, is the main language used in meetings and negotiations. This could have implications for the effectiveness of participation, since communication skills play an important role in participation.

Responding to the question: "What challenges do you think face the Gauteng Legislature (GPL) in its attempts to embrace public participation in its programmes?" interviewees state that a need exists on how to reach all the citizens of Gauteng across race, income and locations (GPL has not yet made in-roads into the previously advantaged communities) and GPL should create participatory forms that cut across the traditional social divides. Interviewees also emphasised the issue of relevance, i.e. public participation must be relevant to the times in which they live, i.e. communication should be in the language the community understands.



When asked how they thought public participation challenges in the GPL could be resolved, the interviewees stated that the race, income and location barriers (e.g. rural parts of Gauteng) should be broken; a strategy to engage with people from the previously advantaged areas and at different levels should be established and more communication resources should be made available, i.e. radio and *Izimbizo*.

#### 10.5 Attitude and Perceptions towards Public Participation

An attitude may be defined as a predisposition to respond in a consistent manner to a particular person, group, situation or subject (Silverman 1982:399). The attitude of both public officials and members of the public towards public participation could therefore determine how they respond to it. Problems may develop when such attitudes are unfavourable. Negative attitudes to public participation could be due to the perception people harbour about public participation (Masango, 2001: 171).

Public participation could be perceived by public officials to be time-consuming, inefficient, irrational and UNproductive. In fact, full citizen participation may retard the planning process (Brynard, 1996: 47). For instance, this may occur due to delays which could result from attempts by public officials to explain the situation to members of the public since the latter may not understand some technical aspects relating to plans and programmes (Zimmerman, 1986: 4).

Public participation, if it does not lead to a satisfactory provincial government response, could be perceived by members of the public to be a futile exercise. In addition, members of the public may mistakenly feel that participation is only successful (and government is only responsive) if eventually the people's point of view prevails.

#### 10.6 Costs of Participation

Public participation may be costly in terms of staff, time and money. For instance, members of the public usually have other commitments, and it is a myth that poor people have an excess of free time. The time available for participating in public affairs may be limited hence consistently high levels of participation tend to be the ideal rather than the practical norm over a long period of time, especially as far as the attendance of meetings and/or public hearings go. It may even be necessary to hire more staff or train current members of staff to cope with the demand for increased dialogue (Fagence, 1977: 360). Resourcing public participation is a critical issue. Political office bearers must be prepared to devolve sufficient power and spend sufficient money to make public participation work.

An earlier research was conducted on *An Evaluation of the Public Participation and Petitions Office of the Gauteng Legislature* (Pigou; Kushlick; Samuels & Kimmie, 1999). In answering the question: "What will make the PPPO more efficient?" interviewees within the GPL made a number of resource-related recommendations about improving the Office's capacity, including a larger budget, more staff for public education and administration, improved transport facilities and improved communication facilities – i.e. cell phones.

This statement is confirmed by the findings of this study. For instance, in response to the question in the questionnaire: "Is there any other information that has not been covered in the questions above (but that you feel should be considered in this study)?", the respondents indicated that the PPP Unit in the GPL is seriously under-staffed. They stated that there are only eight employees in this Unit, two of whom are responsible for public outreach. They also stated that if more public outreach work has to be done, additional staff must be appointed. The PPP

Unit's staff must also be capacitated by being exposed to international trends and best practices on public participation. In addition, they argue that appropriate equipment should be made available to the PPP Unit's personnel, including computers for downloading e-submissions and e-mails from members of the public. The interviewees strongly emphasised the sharing of information as an indispensable resource for effective public participation process. Finally, they also mention the importance of sharing of information among members of the public and the GPL.

It can be argued that if more work has to be done in terms of educational outreach, additional staff should be appointed for reaching out the public. Such personnel need to be appropriately trained and capable in all respects to effectively promote public participation in the Province. Further, recognised that resources continue to be a major hurdle in the work of the PPP Unit. It is recommended that the officers responsible for public outreach should be provided with logistical support and appropriate equipment to enable them to perform their duties effectively. These may include cell phones, motor vehicles, electronic and other equipment as the need may arise. As a short-term measure, the GPL might have to make special financial allocations from its development budget (or some such source) to help alleviate the immediate challenges facing the Unit.

Responding to the question: "What challenges do you think face the Gauteng Legislature (GPL) in its attempts to embrace public participation in its programmes?" the interviewees stated the GPL building is not accessible to disabled persons; the venues used for public hearings are not accessible to people with disabilities; the timing for holding public hearings is not always right, i.e. people must be involved at the right time; a need exists to resolve the relations between the PPP Unit and the role that all committees have to play in public participation in the GPL; further, a need exists on how to engage the poorest of the poor; civic education is essential to assist the public to understand different activities of different spheres of government; creating a match between people's broader expectations and the complex budgetary process is essential; the GPL has not effectively engaged with provincial NGOs such as SANCO, SANGOCO, and women's organisations; the PPP Unit is seen as the only driver of the public participation process in the GPL. The challenge is for all committees to be the drivers of the public participation process as well. Thus, public participation has to be driven from the centre.

When asked how they thought public participation challenges in the GPL could be resolved, the interviewees are of the opinion that the public must have an interest in the Legislature's activities. The Legislature has to open up more to public participation needs of the PPP Unit; they also stated that there was a need for constant evaluation of the GPL's public participation activities in relation to its stakeholders/ intended beneficiaries. They also stated that a need exists to develop a strategy to address provincial NGOs and that aggressive communication should be essentially targeted at making the Legislature more visible to members of the public to ensure that people identify with it. Finally, they stated that the PPP Committee should be placed at the centre of the public participation process in the Legislature as a whole so as to effectively monitor and facilitate the public participation processes of committees.

From the above discussion, it can be argued that the GPL should ensure that its buildings and venues used for public hearings are accessible to disabled persons, the timing for holding public hearings is right, i.e. people must be involved at the right time. A strategy should exist to engage the poorest of the poor as well as the provincial NGOs such as SANCO and women's organizations and there should be an aggressive communication which is specifically targeted at making the Legislature more visible to members of the public. This will ensure that people identify with the Legislature.

## 11. CONCLUSION AND RECOMMENDATIONS

Public participation in the decision-making processes of the GPL is a welcome phenomenon in the Gauteng Province, as it essentially serves to strengthen a country's democratic processes. Current evidence suggests that public participation and partnership between government and civil society organisations are successful and productive ways to ensure robust democracy and better delivery [of services] to communities. Public participation encourages members of the public to assume more responsibility for their actions and enables provincial government to address the issues with which the (ordinary) people usually grapple, but without any possible solutions. In addition, public participation increases the effectiveness of the provincial government's initiatives.

The issues discussed above serve to highlight the numerous challenges that affect public participation in decision-making. This study reveals that public participation in the decision-making processes, especially within the Gauteng Provincial Legislature, has several advantages, despite the challenges that are currently faced. This study focussed on the forms of public participation in decision-making, factors affecting public participation, models of public participation, the role of civil society in promoting effective public participation, tools for measuring the impact of inputs by members of the public in the public participation process and obstacles and challenges to effective public participation. The study also focused on a comparative analysis: best practices with regard to public participation in decision-making.

It is concluded that South Africa had barely celebrated its ten years of democracy when this study was conducted. Thus, the challenges identified in this study might most probably be a factor of the country's democratisation process, i.e. an issue that commonly affects all provincial legislatures. However, a lack of effective participation in the decision-making processes of the Province is also affected by the vastly diverse population of the Province, e.g. several interviewees in this study frequently stated that Whites and Blacks still live in largely separate neighbourhoods such that the minimal social interaction between these two racial groups makes it virtually impossible for effective participation and engagement by communities with the Legislature. This does not suggest that there is absolutely no inter-racial contact and community engagement because the numerous changes to pre-1994 legislation have eased such contact significantly. However, the point being emphasised here is that successes remain unevenly spread, resulting in the overall neglect or continued under-development of communities in some geographical areas (e.g. some informal settlements and rural parts of Gauteng Province), which still have little or no influence in the Gauteng Legislature's public participation processes.

These challenges, notwithstanding, there is little doubt that the Gauteng Province has started on a correct footing and might emerge as the leader amongst provinces in South Africa if it nurtures its current fledgling public participation processes.

From the above discussion, the authors recommend as follows:

1. A need exists for the GPL to extend its public engagements through the electronic and print media, interactions with researchers and academics in academic and research institutions, community-based and non-governmental organisations, and to ensure that other forms of public participation are also used. These include Internet and e-mail access, 24-hour toll-free numbers (especially as a whistle-blowing mechanism), reaching people where they are e.g. at sports stadiums, music festivals and 'street bashes', churches and other places of religious worship, including the use of other measures that

the Legislature have used in the past to encourage public participation in the decision-making process.

2. Given the fact that much still needs to be achieved regarding public participation in the next decade of democracy and freedom in the Gauteng Province, it is therefore recommended that public participation should be included in the plans and programmes of the Legislature to ensure that all political office bearers and public officials of the GPL identify with it. This can be done through the active engagement and consultations with all the civil society bodies and organisations that exist in the Province, as well as the wider dissemination of the proposed plans and programmes to the entire Province.
3. Recognising that the Public Participation and Petitions Unit is staffed by eight people, two of whom are responsible for education outreach, it is recommended that, if more work has to be done in terms of educational outreach, additional staff should be appointed for reaching out to the public. Such personnel need to be appropriately trained and capable in all respects to effectively promote public participation in the Province.
4. Further, recognising that the issue of resources continues to be a major hurdle in the work of the PPP Unit, it is recommended that the officers responsible for public outreach should be provided with logistical support and appropriate equipment to enable them to perform their duties effectively. These may include cell phones, motor vehicles, electronic and other equipment as the need may arise. As a short-term measure, the GPL might have to make special financial allocations from its development budget (or some such source) to help alleviate the immediate challenges facing the unit.
5. It is furthermore recommended that the Gauteng Legislature needs to use a combination of different types/ forms of public participation, with an emphasis on the petitions process and public hearings (as indicated in the text). However, it is important that the GPL be aware of the fact that the shortcomings of any one type or form of public participation used should at all times be complemented by using another type/form or a combination thereof.
6. It is also recommended that the GPL should develop strategies to effectively and regularly engage with provincial NGOs such as SANCO and SANGOCO, community- and faith-based organisations on matters affecting the Legislature. These strategies include the hosting together of provincial workshops on matters common to both, consultation on proposed plans, programmes and policies, etc. in which the Legislature will require meaningful participation by the public.
7. The GPL should get involved in an aggressive communication or information-sharing, targeted at making the Legislature more visible to members of the public, especially the poor in rural areas and the previously disadvantaged groups. This can be done through community-based radio and public hearings or road shows. Public officials responsible for this exercise should speak the language of the communities concerned for the members of the community to identify with them.
8. Recognising that the plight of people with disabilities is still a very prominent topic for policy-makers throughout the country, it is recommended that a need exists for a specific desk for disabled people within the GPL. The function of this desk will be to advise the GPL on policy and other issues that affect people with disabilities. Priority should be

given to people with disabilities to manage this desk as they are in a better position to understand the needs of the disabled.

It is important to note that this report cannot provide a comprehensive picture of the effectiveness of the committee system within the GPL. The time constraints under which this report was prepared necessitated that it be restricted to existing databases, secondary material and interviews mainly with the political office bearers and officials within the GPL. There was insufficient time to identify a particular input from members of the public and track it to the committee to determine whether it culminated into a decision/policy. As a result this study only provides an indicative macro view of attempts to promote effective public participation within the GPL. This study should be supplemented by a more comprehensive, longer-term empirical study on the effectiveness of public participation process in the GPL with specific reference to the committee system

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Annexure A

HUMAN SCIENCES RESEARCH COUNCIL



DEMOCRACY AND GOVERNANCE

*QUESTIONNAIRE*  
**Study on Public Participation in Decision-Making in the Gauteng Provincial Legislature**

We are currently undertaking research on the extent of public participation in decision making in the Gauteng Provincial Legislature.

The information you are asked to provide is required for research and policy purposes only, and the information you give will not be used to jeopardise your position or compromise in any way the integrity of your office, job or your status.

- 
1. Bio-data
    - (a) Name of organisation .....
    - (b) Current Position .....
    - (c) Previous Position or Job .....
    - (d) Gender .....
    - (e) Race .....
    - (f) Age **21-30** [ ] **31-40** [ ] **41-50** [ ] **51-60** [ ] **over 60** [ ]
    - (g) How long have you been occupying your present position?  
Less than five years \_\_\_\_\_  
Between five and ten years \_\_\_\_\_

2. What do you understand by the term “public participation”?  
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3. In your view, what form of public participation do we have in the Gauteng Provincial Legislature?

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4. Does this form of public participation undermine or support the ongoing transformation processes in the province?

- Yes, it supports**
- No, it undermines**
- Don't Know**
- Other, please specify**

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5. If 'Yes', how does public participation support the transformation processes?

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6. If 'No', how does public participation undermine the transformation processes?

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7. Would you say that public participation in the Gauteng Provincial Legislature has changed since 1994?

- Changed Significantly** \_\_\_\_\_
- Changed a Little** \_\_\_\_\_
- Did Not Change at all** \_\_\_\_\_
- Don't Know** \_\_\_\_\_
- Other, please specify** \_\_\_\_\_

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8. In your view, what aspect of public participation do you think has changed or has not changed regarding the roles of ordinary citizens in the governance process of the Gauteng Provincial Legislature since 1994?

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9. What challenges do you think face the Gauteng Legislature in its attempts to embrace public participation in its programmes?

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10. If you think such challenges exist, how do you think they can be resolved?

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11. Which of these challenges that affect public participation do you think emanate from the pre-1994 era?

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12. In your view, do ordinary citizens of Gauteng benefit from participating in the Provincial Legislature's programmes?

- Yes
- No
- Don't Know
- Other, please specify

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13. Which two main factors do you think policy makers must always consider to ensure that public participation is included in the province's decision-making processes:

- a.
- b.

14. How influential is public participation in Gauteng province's policy-making process? Please give examples:

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15. How far would you say that public participation has increased in the current policy and legislative processes in the Gauteng Legislature?

It has:

- Increased Significantly** \_\_\_\_\_
- Increased a Little** \_\_\_\_\_
- Not Increased at all** \_\_\_\_\_
- Decreased a Little** \_\_\_\_\_
- Decreased Significantly** \_\_\_\_\_
- Don't Know** \_\_\_\_\_
- Other please specify** \_\_\_\_\_

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16. How would you describe the current participation by civil society bodies in the Gauteng Legislature's public participation processes?

- Highly Desirable**
- Desirable**
- Not Desirable**
- Don't Know**
- Other, please specify**

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17. If 'Highly Desirable', or 'Not Not Desirable', please elaborate

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18. How inclusive are the public participation activities (e.g. meetings, *Izimbizo/Dipitso*, or similar gatherings) of the Gauteng Legislature given the province's diverse and multi-cultural communities?

The public participation processes are:

- Highly Inclusive**
- Inclusive**
- Exclusive**
- Highly Exclusive**
- Don't Know**
- Other, please explain**

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19. If 'Highly Inclusive' or 'Highly Exclusive', please explain:

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20. Which form of public participation, if any, do you think is best suited for the Gauteng Legislature? Please elaborate on your answer.

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21. Is there any other information that has not been covered in the questions above (but that you feel should be considered in this study)?

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THANK YOU FOR AGREEING TO BE INTERVIEWED