

GGLN

Good Governance Learning Network
SOUTH AFRICA

**Submission to the
National Department of Provincial and Local Government (DPLG)
on the
Public Participation Policy Framework (PPPF)**

Good Governance Learning Network

Purpose and Objectives

The **purpose** of the Good Governance Learning Network (GGLN) is to provide an interface for institutions working on issues of local governance to network and share information towards strengthening local democracy. We will do this by developing an understanding of local governance, disseminating information across a wide audience, and fostering a culture of good governance at the local level.

The **objectives** of the GGLN include:

- ❖ Sharing and learning from common challenges by creating an interface for institutions working on issues of local governance;
- ❖ Documentation and dissemination of best practices as well as research information and outputs, that are of benefit to the community;
- ❖ Provision of support for local governance advocacy;
- ❖ Building capacity of practitioners;
- ❖ Creating awareness about the value of participatory local governance;
- ❖ Ensuring a balance between those that govern and those that are governed.

The **members** of the GGLN are:

FCR (Cape Town), the Built Environment Support Group (BESG) (Durban and Pietermaritzburg), the Centre for Public Participation (CPP) (Durban), the Democracy Development Programme (DDP) (Durban and Cape Town), the Electoral Institute of Southern Africa (EISA) (Johannesburg), Afesis-Corplan (East London), the Project for Conflict Resolution and Development (PCRD) (Port Elizabeth), the Institute for Democracy in South Africa (IDASA) (Johannesburg), and the Centre for Policy Studies (CPS) (Johannesburg).



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Submission to DPLG: Public Participation Policy Framework (PPPF)

Thank you for the opportunity to make a submission on the Public Participation Framework (PPPF) presented to us at the Good Governance Learning event of 20-22 July 2005. As a civil society learning network, we wish to congratulate the department on its open and frank presentation of what are clearly on-going discussions and emerging policy ideas. This form of transparency and willingness to listen has been absent from many recent events involving formal debate of participatory local government. The PPPF outlined by DPLG goes a long way in promoting public participation in South African local governance.

The Good Governance Learning Network (GGLN) is a loose network of South African NGOs which primarily focuses on promoting good local governance. The GGLN is funded by the Ford Foundation and supported by other funding partners such as the Charles Stewart-Mott Foundation, and the Open Society Foundation for South Africa. The GGLN fund is managed by the Foundation for Contemporary Research (FCR).

The main objective of this growing network is to share and learn from common experiences by creating an interface for institutions working on issues of local governance. Other objectives include the documentation of and dissemination of good practices, building capacity of practitioners, advocacy, as well as creating awareness about the value of participatory local governance.

One of the key strengths of the GGLN is its diversity and spread. GGLN members work with diverse constituencies in the centres of Johannesburg, Cape Town, Durban, East London, Port Elizabeth; as well as in the rural periphery of the Eastern Cape, Kwazulu-Natal and Limpopo provinces. These constituencies include different gender, race, age, political, and socio-economic groupings. This diversity enriches the practical experiences and valuable lessons learned by GGLN members.

Additionally, the network also draws on international experiences and good practices from civil society organisations based in East Africa, South America, and South-East Asia. These organisations, including the GGLN, are members of LogoLink – a *Learning Initiative on Citizen Participation in Local Governance* - based at the Institute for Development Studies, Sussex University.

Thus far the learning activities of the GGLN have focused mainly on its broader aim of learning and sharing. Four learning events were held between March 2004 and July 2005. These events focused on different tools for developmental local government namely: integrated development planning (IDP), municipal finances and budgeting, and municipal performance management - with public participation as a cross-cutting issue. The learning from these events will be consolidated towards formulating an advocacy strategy around improved practice on good local governance.

This submission is informed by the collective learning of GGLN members over the last 18 months. It should however be noted that the experiences of the GGLN members pertaining to participatory local governance vis-à-vis ward committee and IDP structures is gained over a number of years of facilitating processes of engagement between citizens and local government.

SOME COMMENTS ON THE THEORETICAL FRAMEWORK ADOPTED

As the GGLN, we support the idea that participation is a democratic right and a basic need. We believe that both the intent of the South African legal framework and the international discourse of effective participation implies that participation should result in a partial transfer of direct power to the public – the power to help set agendas, determine priorities and flesh out planning. We acknowledge that poverty, the sheer size of municipal areas, poor public transport, no remuneration for participation, language difficulties, illiteracy, patriarchal social structures and a host of other factors mitigate against people's active participation in local government processes. South African NGOs have played an important role in assisting poor people to overcome these obstacles to effective participation.

The spirit of the law...

Though the emphasis on legal frameworks for public participation in the PPPF is important, our experience shows that pure formalism – responding to the letter of the law by creating wards committees and IDP forums is a necessary but limited step towards effective participation. Effective participation cannot be measured strictly in terms of how many ward committees or IDP forums have been created. Forms and structures of participation alone are an inadequate gauge of citizen's engagement and it is essential to also assess whether such participation is meaningful. Pure formalism

does not contribute towards promoting effective participation. A nuanced focus on the broad spirit of the law - which is about creating a vibrant culture of participation – will achieve much more in terms of promoting effective participation. One way of enlivening this broad spirit of the law is to cultivate and maintain citizen’s interest in local government between municipal elections and by-elections. In this regard, continuous public engagement and debate on municipal policies, operating conventions and real performance is crucial. These forms of interaction between municipal government and local communities have significant potential to change the general public’s image of local government from that of a simple provider of basic services to an agency of development and good governance. Local government can thus begin to build a profile as a sphere of government that creates space for real political influence by citizens whilst also engaging its citizens in the socio-economic development challenges that each municipality confronts. Additionally, it will make citizens aware of the important relationship between their rights (e.g. to “participate”) and their responsibilities (e.g. “to pay for services”).

Spaces for participation....

A distinction can be drawn between two types of “spaces” for public participation. One is “provided space” which refers to government-provided opportunities for participation. “Provided spaces” tend to be regulated and institutionalised through a set of policies and laws. Since 1994, South Africans saw the opening of “provided spaces” for public participation in democratic local governance through policies and laws such as the South African Constitution, the White Paper on Local Government, the Municipal Structures Act, Municipal Systems Act, the Municipal Finance Management Act, and the Municipal Property Rates Act. These policies and laws invite citizens to participate in a range of government created and regulated structures such as IDP representative forums and ward committees. Participation taking place in these “provided spaces” is generally known as structured participation or participation by invitation. An important characteristic of such participation is that it takes place within parameters set by the state and is invariably regulated and systematised to neatly fit within broader government operating frameworks.

Research conducted by FCR as early as 2002 and experience shared by other GGLN members working in the field of public participation showed that *structured participation/participation by invitation* often excludes the poor and other

marginalised groups (e.g. women, the youth). This is due to physical and hidden barriers to participation which the provided spaces for participation do not take into consideration. One example of such a barrier is the distances poor people have to travel to attend meetings, given that they do not have resources to travel.

A second set of spaces are “popular spaces”, which refers to arenas in which people come together at their own initiative – whether for solidarity or to protest government policies or performance or simply to engage government on terms that are not provided for within “provided spaces”. “Popular spaces” may be institutionalised in the form of groups or associations (e.g. the Anti-Privatisation Forum or civic associations), but they are mostly transient expressions of public dissatisfaction or dissent. Participation taking place in these spaces is generally known as “popular participation”.

The spate of protests against local government’s poor performance in terms of poverty alleviation may be considered an example of citizens occupying “popular spaces” to voice their frustration.

In a *bona fide* democracy, people have the right to occupy the spaces they regard as the most appropriate sites for raising citizens concerns. Rather than being *straightjacketed* into ward committees and IDP forums, citizens have a right to choose their own ways of engaging government, provided they act within the law. The measure of a true democracy is therefore not just the complexity of its regulatory framework for citizen’s participation (*provided spaces*) but the extent to which it is able to accommodate independent initiatives by civil society for engagement. Furthermore, a sophisticated government approach allows for the processing of civil society feedback from the realms of *provided space* as well as *popular space*.

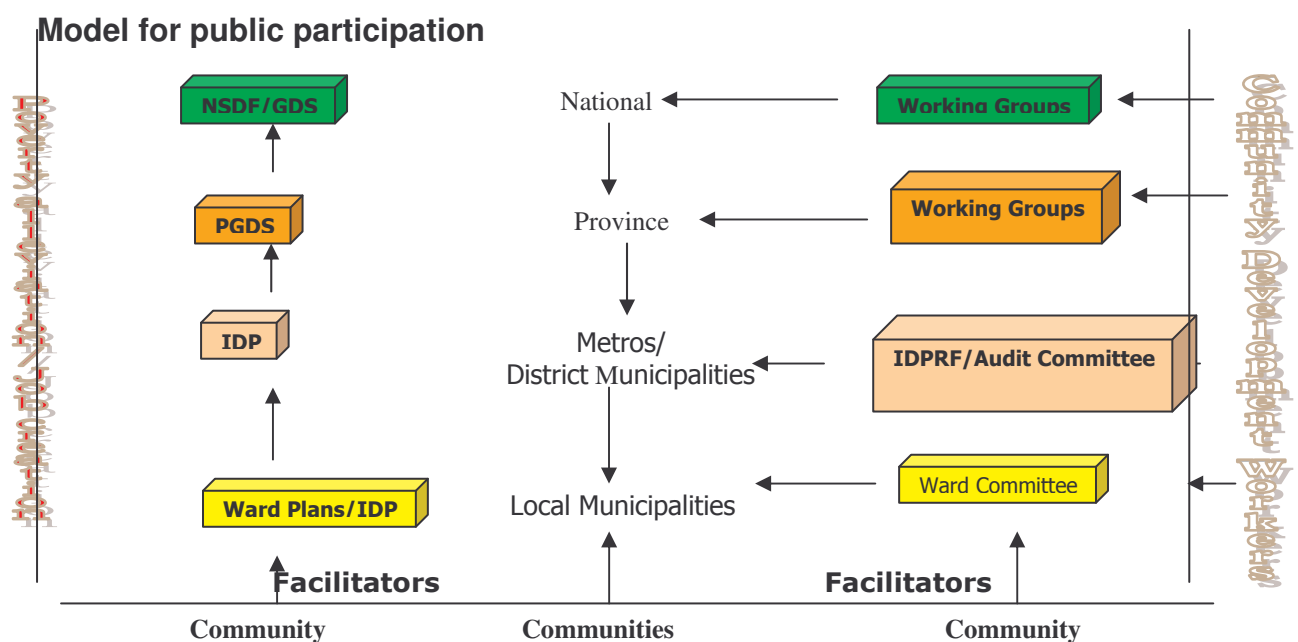
The GGLN believes that government should accept that citizen-initiated forms of participation and even protest or critique are as important as the *provided space* for participation set out in policy and law. We acknowledge however that, local government, being institutionally weak and suffering serious capacity shortfalls in this juncture of our evolving democracy, may find it particularly difficult to accommodate popular and non-regulated forms of participation. International experience suggests that effective structured participation may lead to better service delivery and improved livelihoods for the poor. Thus the temptation for frustrated communities to enter into a confrontational relationship with municipalities can be reduced. Though

structured participation in South Africa should never be conceived of as a substitute for an autonomous and vibrant civil society, it can prevent the more disruptive forms of public participation that result when entire communities and local populations begin to perceive themselves as alienated from their elected political representatives and appointed senior municipal officials. How then, can structured participation be made more effective? Issues that have to be addressed in this regard include:

- the inability/incapacity of some municipalities to implement legislated provisions for public participation in local government;
- the under-resourcing of formal structures for public participation such as ward committees, and IDP forums; and
- the electoral system of formal participatory structures such as ward committees and IDP forums which does not result in broad representation of diverse community interests.
- the perception of helplessness that arises within local civil society when the municipality persistently misallocates or abuses public resources including local revenue and inter-governmental transfers.
- The absence of instruments and mechanisms through which formal participatory structures can be held accountable by people whose participation they are supposed to facilitate.

INPUTS ON PUBLIC PARTICIPATION MODEL

The public participation model presented to GGLN members is outlined below:



The “community” as building block

For the purpose of the participation model adopted, the department defines “community” in geographical terms: “the residents within a particular ward”. In reality, however, “community” is more complex. It is usually the case that one geographical community consists of a number of interwoven “communities” of interest delineated along the blurry lines of race, gender, age, political affiliation, social status, and ethnicity. Given that “community” is seen as the primary building block of the proposed public participation model, we feel that an attempt should be made to unpack the complexities of “community” and that guidelines should be provided to municipalities on how to deal with the inherent complexities. This will go a long way in making municipal councillors and officials aware of the real world challenges (complexities) of *engaging* the “community”, *building the capacity* of the “community”, and *partnering* with the “community”.

Wards Committees

Legally, a ward committee exists to ensure public participation in local government and as such is a key mechanism for enhancing participatory democracy in local government. Recent studies however suggest that ward committees are not fulfilling this mandate mainly due to:

- uneven credibility and awareness amongst local communities - sometimes related to the perception that ward committees are packed with supporters of the local ruling political party;
- lack of any evidence that ward committees have preferred access to municipal information or able to influence council in any significant way;
- a lack of municipal capacity to facilitate and support ward committees;
- physical constraints like the vastness of wards, inappropriate demarcation and the familiar challenges of largely rural constituencies
- political manipulation and indeciveness regarding the remuneration of ward committee members.

These issues will have to be addressed if ward committees are seen as an integral part of a structurally aligned community participation model.

Additionally, GGLN members have noted that many civil society organisations are not actively involved or participate in ward committees because of the way in which

the civil society organisations are structured. These organisations may be situated in a specific ward in terms of office location, but their area of operation may exceed the boundaries of that particular ward. Such organisations find it difficult to make meaningful inputs in the current “*provided spaces*”.

These limitations have led to the emergence of a model (practiced for example in Polokwane and Greater Tzaneen Municipalities) where new platforms are created in a form known as Stakeholder Cluster Forums. This model ensures the meaningful engagement of all stakeholders through both “*provided*” and “*popular*” spaces. The Stakeholder Cluster Forums are organised in such a way that they cover a number of ward committees within a specific geographic area. The Forums are constituted by civil society organisations, ward committees, councillors, municipal officials, political parties (in and out of Municipal Councils), relevant sector departments, **traditional authorities** (where applicable) and any other relevant interest groups. The purpose of this approach is not to replace the ward committee participatory system but to ensure that some of the critical issues arising from the ward committee reports or affecting communities in that geographic cluster are debated at this level to ensure broader community participation in the municipal decision-making process.

Community Development Workers (CDWs)

The department’s proposed public participation model factors in community development workers (CDWs) who are supposed to be a multi-skilled cadre of civil servants that should give basic advice to people on their rights and opportunities available to them. CDWs will serve to reinforce ward committees and interface directly with communities in an effort to enhance public participation. The CDWs will assist community-based planning (CBP) facilitators to work with communities in developing ward plans which will be integrated into the IDP. The proposed model introduces the concept of working groups at provincial and national levels but it does not clearly spell out the composition and role of these working groups.

Community-based planning (CBP)

The move towards community-based planning is to be encouraged if found to be a viable, practical way of planning, budgeting and decision-making.

However, the CBP approach is currently being evaluated and it would be premature to anticipate the results of this evaluation. In broad terms the model, which is very well

thought-out in technical and procedural terms, places great emphasis on integration of ward plans and activities within broader IDP processes. It has also taken the bold step of providing limited seed funds to ward committees – an initiative whose implications need very careful assessment.

Integrated Development Planning (IDP)

As a network we acknowledge that the IDP process generated more public participation in municipal planning than ever before in the history of South Africa. This perhaps seems to be one of the most valuable outcomes of the IDP process thus far. There are, however, a number of factors that have impacted on the quality of participation. These factors include:

- Vast distances that had to be travelled due to the size of municipal areas after the 2000 re-demarcation process;
- Participation fatigue – people are tired of “participating in their own development” without seeing meaningful benefits of their participation;
- The way the process was managed – bureaucratic red-tape and under-resourcing of participatory structures such as IDP forums;
- The inability to ensure the participation of the business sector (including farming) at area-based and local municipal level;
- The lack of special efforts to ensure the participation of non-organized marginalised groups in the IDP process (e.g. unemployed or specific poverty groups such as landless and homeless people).

To address the above challenges, the GGLN recommends the following:

- Address the issue of IDP ownership. IDP should not be seen as the sole responsibility of a specific department or only a few municipal officials. The message should go out that the IDP “belongs to everybody”. Municipal managers should see to it that the IDP is owned by the people of the area and that it does not become the responsibility of one person or municipal department only. The proposal to develop inclusive ward plans which will be integrated into the municipal IDP will assist in popularising the IDP as well as in making the community-municipality link clearer.

- The extent and impact of the participation of marginalised groups should be measured over a period of time through the application of appropriate participatory monitoring and evaluation tools;
- The development of key performance indicators (KPIs) should be complemented with a holistic system to monitor and evaluate the impact and effectiveness of public participation in achieving agreed development outputs and outcomes of the IDP. The use of such a holistic participatory monitoring and evaluation system would also serve as a means by which communities can keep local government accountable to the policy choices and development targets that were selected in the course of the IDP participatory process.

Traditional Leaders

Section 81 of the Municipal Structures Act allows traditional leaders to participate in local government subject to certain conditions. Sub-section (3) states that:

Before a municipal council takes a decision on any matter directly affecting the area of a traditional authority, the council must give the leader of that authority the opportunity to express a view on that matter.

There has however been a spate of recent legislative developments related to the question of traditional leadership that potentially impact on local democracy and decision-making and has implications for the national fiscus. Thus, as a learning network we are aware of the challenges of reconciling traditional authorities with internationally accepted good local governance practices.

Other NGO Initiatives

The GGLN would also like to alert the department to the fact that many of its members have developed research, training, monitoring instruments, and partnership models which have significant relevance for participatory local governance. This includes the following:

- **Good Governance Surveys & Indicator Development**

The *Good Governance Survey* methodology has been conducted in 10 municipalities since 2001 and is a significant contribution to citizen's understanding of local governance practices and has further potential as a municipal self-assessment tool. Overall it exists as one of the few alternative instruments for appraising local governance practices and many of its key features are lacking from mainstream

evaluation instruments like the *Institutional Scorecard* approach. It is unique in bringing a non-technical and civil society inclusive approach to municipal performance that is able to compare both quantified and perceptions based data.

Its participatory and interactive methodology has the advantage of bringing different local government stakeholders together to formulate a common perspective of the issues confronting municipalities. This creates the basis for consensual interventions geared towards improvement and collaborative solutions rather than a set of technical directives to officials and councillors that frequently lack both the will and the capacity to implement the solutions prescribed by ‘experts.’

- **Ward committees & Key Performance Indicators**

This activity was designed to serve the objective of ensuring that municipalities are held accountable to the development targets and good governance principles outlined in their IDPs. Secondly the aim was to assist local neighbourhood structures (ward committees) to shape the key performance indicators that all municipalities have to adopt in terms of local government legislation. This activity is rooted in a particular legal and policy provision that spells out the requirements of participatory democracy i.e.:

Section 16 (1) (a) of the Local Government Municipal Systems Act of 2000 states that a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory democracy. To this end the municipality must encourage and create conditions for the local community to participate in the affairs of the municipality including –

- I. The preparation, implementation and **review** of its integrated development plan in terms of Chapter 5;
- II. The establishment, implementation and review of its performance management system in terms of Chapter 6;
- III. The monitoring and review of its **performance**, including the outcomes and impact of such performance

Despite this clear policy provision, it has proved difficult to persuade local government stakeholders that ward committees, as the principle form of participatory democracy, should have a clear and well-defined role in the municipal performance monitoring and evaluation process.

- **Municipal-Community Partnerships (MCPs) for Poverty Alleviation**

As part of its ongoing initiatives to build developmental relationships between civil society and the State, FCR is currently facilitating a municipal-community partnership (MCP) process between the Theewaterskloof Municipality; other government departments; a private company; and a community group called Masikhule that consists of the most vulnerable women-headed households in the rural town of Botrivier.

In line with the sustainable livelihoods approach, the Botrivier MCP project builds on the capabilities, assets and resources of the people of Botrivier by introducing mini-tunnels for vegetable farming to create jobs, provide food security, and build social solidarity between the town's people.

From a public participation perspective, the Botrivier MCP project has demonstrated the following benefits:

- A strong people-focus that puts poor people at the centre of local development;
- A participative process that creates the space for poor people to be part of the assessment, decision-making and implementation of their own action;
- Actively involving communities in governance issues which has helped to develop a better trust-relationship between the municipality and local communities;
- Strengthening of the democratic social contract by promoting accessibility, enhancing representativeness, strengthening accountability and improving responsiveness.

A guidebook on how to establish effective MCPs has been developed and an active MCP Forum, consisting of stakeholders from government, civil society, and the business sector, has been established. The Botrivier MCP project is currently being replicated in three two other Western Cape municipalities.

- **Municipal-Community Partnerships (MCPs) for Habitable Environments**

In Msunduzi Municipality (Pietermaritzburg), an award-winning partnership has been running successfully for the last five years. Initiated by the Built Environment Support Group (BESG), this programme now renders selected basic infrastructure

maintenance and environmental management services and support to several thousand low income households.

The MCP project currently provides grass cutting and planting services, primary household waste collection and secondary waste transfer services, minor stormwater system maintenance, road sweeping, litter picking, and open and public spaces maintenance services.

The pilot partnership has provided some invaluable lessons about developing partnerships, addressing services backlogs, and increasing social capital. The experience arising from the partnership has been well documented. These documents are available to municipalities who wish to replicate this type of partnership.

- **Civic Education**

Many of the GGLN members have developed and are facilitating civic education programmes aimed at empowering citizens to effectively engage with local government. These programmes encourage people (especially the poor) to:

- take advantage of the opportunities that is provided by the Constitution and other legislation to participate in their own development;
- push the boundaries that have become set over the first eleven years of democracy, thus ensuring that the spaces poor and marginalised people require to address their needs continues to grow, rather than stagnate or contract;
- question local government policies, practices and trends that constrain poor people's participation and, where appropriate, to challenge and seek to change them.

These civic education programmes are available as training manuals in most of the official languages of South Africa.

CONCLUDING REMARKS

It is our view that the department's drafting of a PPPF is a move in the right direction as it is the role of the State to provide an enabling environment for public participation through the development of appropriate policy and legal frameworks. This environment should encourage the co-existence of invited and popular spaces for participation. Participation should not be boxed in. Civil society organisations should

have the right to occupy the spaces they regard as the most appropriate arenas for raising concerns.

Additionally, we are of the opinion that the PPPF outlined by DPLG goes a long way in spelling out in concrete terms the role that communities should play in the monitoring and evaluation of municipal performance. It is noteworthy, for instance that neighbourhood (sub-ward) planning is enshrined and it is intended that communities will participate in developing ward plans as their contribution to the IDP. Perhaps the department should look a little more broadly at the models and lessons developed by civil society, inter-dependently of contracted partnerships with government. There are also matters of structure and procedure that require careful scrutiny before they become the building blocks of a future participatory local governance master plan. Highly structured forms of community-based planning and indicator monitoring are innovative and progressive, as is the CDW concept. However, it may require a few more years of testing and critical review against basic theories of state-civil society relations before these models can be confidently embedded in policy.