

## LEARNING NOTE

### International Conference on Public Participation

### A Learning Exchange on Making Public Participation Real

The Durban International Convention Centre, 18 & 19 February 2016

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#### 1. INTRODUCTION AND BACKGROUND

Essential to the principles of democratic governance is decentralised hierarchies that demands development implementation to fully consult and engage all stakeholders in communities. This document presents a review of key lessons drawn from a joint initiative of the EThekweni Municipality collaborating with the Durban University of Technology. The International Conference on Public Participation was held over two days at the Durban ICC on the 18<sup>th</sup> and 19<sup>th</sup> of February 2016. About 200 students currently enrolled for a qualification in Community Participation at the Durban University of Technology attended the conference.

Engaging in robust discussions; international guest speakers insights, academics from various South African universities, city officials, local councillors, ward committees representatives and enrolled students who are municipality employees discussed issues, challenges and proposed recommendations in an interactive platform that will take public participation to another growth level.

#### 2. FORM OF THE LEARNING EXCHANGE

The Conference comprised of six sessions that were led by various facilitators selected from partnering organizations with in-depth expertise in public and community participation. **DAY 1** sessions were mainly guest presentations from various organizations, namely, German Academic Exchange Services (DAAD), Kunjalo Centre for Development Research (CDR), National Electronic Media Institute of South Africa (NEMISA), the Moral Regeneration Movement (MRM), KwaZulu-Natal Department of Cooperative Governance

and Traditional Affairs (KZNCOGTA). The Sessions were facilitated and chaired by selected academic for DUT, University of Stellenbosch, University of KwaZulu- Natal (UKZN, University of North West, and the Vaal University of Technology and the City of Cape Town.

**DAY 2** sessions were mainly student group presentations which were organized in key themes related to their course content and their portfolios. The student topics focused on eThekweni Municipality case studies on matters on community participation structures, service delivery matters, and rural and traditional systems in community participation. These presentations will form part of their portfolio of evidence in support of their qualification.

**The following were the topics of the two-day conference:**

- Legislative frameworks on community or public participation
- Public participation platforms
- Leadership for public participation
- Innovation in supporting public participation
- Public participation and service delivery
- Case studies for public participation in global, local government and, national context

SESSIONS	TOPICS	PRESENTERS
<b>Session 1</b>	Overview of Public Participation: Making Public Participation Real	Professor Gyoergy Professor Dasarath Chetty Crispin Hemson Kisa Dlamini
<b>Session 2</b>	South African, African and International Experiences of Public Participation	Professor Volkmar Kreissig Professor Malcolm Wallis Dr. Zwelinzima Ndevu
<b>Session 3</b>	Case Studies in Public Participation	Dr. Maliga Reddy & Wilfred Mkhwanazi P. M. Khumalo & N. Tshishonga
<b>Session 4</b>	Participation/Leadership and Development Imbizos	Dr Ndivhoniswani Aaron Tshidzumba & Dr. Colin Thakur Sudhika Palhad & Dynesane Reddy Jan Jooste

		Hossana Twinomurinzi & Tendani Mawela Callistus Nkwanyana
<b>Session 5</b>	Student Groups	Selected Group Presenters
<b>Session 6</b>	Communication, Budgeting, Local Government Elections and Corruption	Chris Nagaroo, Cheryl Reddy and Bharthie Ranchoddas Professor E.A. Mantzaris Sthembiso Madlala

The matrix above reflect the programme for the Conference

### 3. Key Discussion Areas and Themes

#### **Public Participation | Civil Society | Leadership | Community Development, Innovation in Public Participation**

The Learning note analyses the various presentations and is organized in four key areas, namely, Public participation and governance, Challenges in public participation, case studies and lessons learnt and way forward.

The first day of the conference detailed international experience and examples of public participation, highlighted mechanisms of real public participation in local government South Africa and educational perspectives from case studies from local research on community development and public participation. Looking at a global perspective, public participation is prioritised as a human right that cannot be side-lined. It is safe to state that globally, governments have an obligation to ensure that they have efficient structures that allows a flow of information between the state and civil society.

Furthermore, Day Two linked the role of leadership in public participation and opened a platform for informative group presentations by students which focused on current practices of local public participation. Good practices, common challenges, successes of what has been done right emerged from both theoretical and practical good practices of public participation. Given that attendance was made up of public practitioners, a room for peer learning and education on governance service provision created a platform for empowerment and internal capacity enhancement.

### 3.1 PUBLIC PARTICIPATION AND GOVERNANCE

Throughout the world, there is a need for healthy relations between the governed and governing structures. These relationships require collective power as they intersect in execution of **laws, administration, leadership and management of services** in general therefore those in power cannot act alone, rather hand in hand with civil society. 'Democracy demands accountability, transparency, following of by-laws, laws and central to all is that democracy must be participatory in order to meet these demands', Professor Szell stated. A democratic country serves by good governance principles which emphasises effective relationships between the people and the state through the engagement of communities in state business. Communicating a crucial point, Professor Szell emphasised that public participation is a **pyramid and permanent process**, therefore sustainability is key.

Following the principles of interdependence in governance, examples from Germany of the Planning Cells and filling the age gap for a voter which allows children aged sixteen to vote are amongst international good practices suggested to be adopted by South Africa. Public is in control of good governance as it keeps government in ethical and accountable standards, Professor Kreissig emphasized how the minimisation of central authority and allowing people at local level to voice their needs can build true values of equality, democracy and social justice.

In the South African context, post-apartheid legislation frameworks and overall public policies are inclusive of human centric principles guaranteed by the democratic constitution, human rights and good governance being the main promised practice in this democratic government. As a developmental country, service delivery and betterment of the lives for all has been priority and addressed through various development programs ranging from policies, projects and actual tangible service. Public participation is then 'thee' cornerstone of development as the regulation of public affairs and should put people first. Local government being the closet sphere to the people has a binding role of **consulting, informing, involving, collaborating and empowering civil society** and ensure vulnerability to exclusion of participation reaches none.

Tabled below are some of the legislative frameworks and initiatives that enshrine public participation:-

**Some of the key legislative frameworks explored:**

Batho Pele Principles (1998)	Municipal Systems Act (Act 32 of 2000) Chapter 4
Inclusion of tribal leadership	Municipal Structures Act (Act 118 of 1998) – Section 19(1)
IZIMBIZO	Municipal Finance Management Act(Act 56 of 2003) Chapter 9
Presence of councillors and Ward committees	Intergovernmental Relation Framework(Act 13 of 2005)
Area Based Management Systems	Constitution of the Republic of South Africa - Section 160 (7)
Publication of government circulars	E-government

Given the above listed initiatives legislative imperatives, public service practitioners must account and ensure that interactive and real public participation exist. A question was posed on how to ensure that public participation is **real**? With the current state of civil society satisfaction demonstrated through service demands protests, this questioning of **real participation** holds ultimate relevance. Critically arguing, Dr. Ndevu questioned the issue of real public participation by outlining phases of engagement, making an example of an Integrated Development Planning (IDP) explaining when do citizens engage, is it prior to the inception of the IDP or after the rollout of the policy? Dr. Ndevu elaborated further by stating that **communities should not be seen as endorsers of policies**, rather they must take part throughout the process. Suggestions and recommendations directed at answering this question were as follows:

- a) **Awareness-** in the inception of any decision that will impact local communities all entities that will be affected must be informed, invited to give input, educated thoroughly on the issue and most of all be given feedback and involved in all stages. A given example was that of ensuring that all forms of communications are used in the invitation stage, the timing of meetings must be appropriate, e.g. no meeting during working hours as so to ensure 100% representation of locals and the participation must be interactive.
- b) **Consultation-** going back to the community with progress reports is key. Discussions and debates must be public rather than certain individuals

deciding on behalf of all citizens, in this way transparency and openness can be achieved. Providing a critical example, Kisa Dlamini exemplified how Eskom tends to falsify community consultation prior to making decisions that will affect the public, road shows and meetings they hold tend to be 'not so public'.

- c) **Leadership-** an emphasis on the role of leadership was made especially with an advice that leadership does not give a right to take decision on behalf of the people, it does not make leaders more knowledgeable on what communities need and politically it does not mean the only time to take leadership roles is only prior to elections. Examples of infrastructure turning into '**white elephants**' were made, for instance a tennis court was built in a location that was deemed appropriate by certain leaders in the community without the involvement of interested groups. As a result the court turned into a '**washing hanging line**'.
- d) Father S. Mkhathshwa contributed an example of the gap and distance between leaders and voters by citing the trends of leaders visiting and paying attention to voters needs only to secure votes. Further to this, Jan Jooste made the scenario of the chicken and egg in public participation: 'you find society saying government never listens or deliver rather only push third personal agendas whilst on the other side the service providers have ideas that communities never participate or contribute. This resembles a gap and absence of real participation which require commitment and political will to combat.

### 3.2 KEY CHALLENGES IDENTIFIED

Throughout most presentations certain issues were flagged as challenges that hinder real public participation. One of the examples is that how public e-government channels fail to allow full public participation as they tend to focus on announcements and limit receiving interactions and comments from citizens. Professor Kriessig raised a point of e-governance being vulnerable to cybercrime and other security attacks. Such challenges and more are listed below:-

Public policies, legislation and laws prioritise and emphasise public participation BUT' in reality there is still a huge gap of real and functional room for civil society to participation and engagement: Challenges highlighted and discussed are the following:

- a) The Challenge of the definition on what public participation is
- b) Biased political influence and dominance which may exclude the voices of the citizens. Political influence and interference and individualistic ideologies/agendas at local level tends to compromise public participation
- c) No real implementation of various government frameworks as espoused in key legislation governing public participation
- d) The segmentation of institutional structures for public participation in government departments breeding silo implementation
- e) There is very limited utilisation or exploitation of e-government platforms such as social media to support public participation
- f) The systems has so far failed in achieving real public or community participation
- g) Rural and traditional areas has its own dynamics which needs to be confronted to allows real community / public participation
- h) Failure of commitment from leaders, for instance ' the tendency and mentality that leaders make better decision than the people'
- i) E-government and ICT's inefficiency to accommodate public participation
- j) E-government and public social network sites not allowing public participation rather they are 'PR' centred

### 3.3 GROUP PRESENTATIONS SUMMARIES

There were four group presentations by students. The topics were on Ward Committees in eThekweni, Rural local governance systems in eThekweni - KwaNyuswa, a Case Study on Human Settlements as a key service delivery and lessons learnt from the rural local governance in the Southern areas of eThekweni Municipality.

The various contributions from public participation students highlighted forms of existing participation on local government with special reference to eThekweni municipality. Through investigated patterns of developmental

governance practices at the lowest competent authority, traditional leadership, role of councillors, ward committees and service delivery policy studied pointed out that 'yes' there is existence of local participation 'but' there is quite a need for improvements given the challenges raised. Amongst the outlined challenges is that of poor service delivery especially in peri-urban areas. Also, the issue of local representatives pushing personal political agendas instead of being committed in servicing their communities was pointed out as a challenge that further perpetuate the slow phase of development.

A common recommendation to ward councillors, committees and other local leadership was that they must ensure development is people centred, they must let people govern and they must be fully committed to because personal and political influence interferes and destabilise public participation. The vital part is that students as practitioners received an opportunity to gather the people's perceptions and reality by going to these communities in a way, this is a form of enlightenment as a demonstration of the gap between theory and practice will be captured.

### 3.4 COMMON THEMES

Presentation and discussions intersected and connected in certain themes. Below are common discussed themes:-

- a) Public Participation (PP) is an essential component in local government , if implemented correctly efficient accountable democracy can be the result product
- b) Public Participation represents civil society voices, in this way citizen demands can be understood and met
- c) Capacity enhancement, empowerment, equality, social justice and democracy
- d) Given the current state and popularity in the use of technology in everyday life has called for service delivery and governance structures to evolve from traditional structures, adopt and adapt effective utilisation of ICT as PP mechanism

- e) Paradigm shift reflections: e-government, e-communication and social media utilised in allowing public views demonstrates civil society inclusiveness
- f) Stakeholder engagement as an instrument that can eliminate the abuse of power by leaders

### 3.5 SUMMARY OF KEY LESSONS LEARNT

- a) Public participation as a genuine, real process in local government and civil society should be aligned with the principles in the constitutions, accountability to achieve the development agenda of service delivery and the deepening of democracy.
- b) Collaboration for various stakeholders to empower communities is central to the programme,
- c) Public participation through the involvement of civil society is crucial to eliminate and reduce the abuse of power by leadership
- d) Public participation is critical for strengthening the values of democracy and social justice and demands accountability, transparency, follow by-Kisa Dlamini
- e) Skilled leaders are needed to navigate the dynamics of building effective community participation
- f) The benefit of an active and participative citizenry has successful kept check of how government performs and also and ensuring accountability for service providers supporting government programs
- g) Public sector should adapt to the modern communication and information technology platforms which have an enabling role to elevate public participation.
- h) Political interference is also seen as a key stumbling block to making public participation real

- i) There are great lessons to learn on how public participation is misconstrued and sometimes misused to support selfish agenda of politicians during electioneering season.
- j) Research is also an important tools to support building effective community or public participation

#### 4. CONCLUSION AND WAY FORWARD

In conclusion, many ideas were brought forward as suggestions that local government need to adopt the principles as in the legislation. The lessons learnt internationally, locally and the various case studies are important to implement and practice as they have a potential to produce efficient public participation.

#### 5. WAYFORWARD

As a way forward it was stated that there must be a coordinated service delivery model at local level. Furthermore, partnership with private entities was raised as 'power of collectiveness' that can assist local government to achieve efficient service delivery. The Deputy City Manager of Governance Mr Cele announced that in the next two years, the public participation course will continue to be offered, to empower city practitioners which will directly affect positive development within the city. Father S. Mkhathswa devoted partnership and offered future collaboration.

A suggestion to cascade similar platform at a community level, the governance office will host public participation seminars with local councillors. There is great benefit in rolling out the programme to other municipalities in KZN, Given the light of future developments and initiatives, it is safe to state that the city and university community will take public participation to higher paths and more conferences of this nature will be organized annually.

The Conference on Public Participation was officially closed by the Deputy City Manager Cele.