South Africa: Public Participation in Policy-making – A Practical Examination

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Abstract

This paper seeks to look at whether new democratic spaces can be crafted to enable marginalised groups to engage with policy processes from an empowered position. In the context of the research that informs this paper, 'new democratic spaces' are opportunities created for civil society stakeholders to engage in the policy-making process, in ways that seek to overcome obstacles to participation by marginalised groups

Public participation has indeed been a foreign concept in apartheid South Africa, where public participation was not provided for and people simply had to abide by the brutality of apartheid's laws. Viewed in this context, South Africa has made enormous strides towards effective public participation. South Africa has clear constitutional and legislative provisions for community participation in

governance, leaving no doubt as to the existence of extraordinary political commitment to notions of participatory governance (Constitution of the Republic of South Africa; Municipal Systems Act). However, there are some significant challenges for participation in policy processes. These include design, capacity and resource gaps impacting on the effectiveness of measures put in place.

Another challenge faced is that of the political system of proportional representation. The selection of representatives from party electoral lists undermines the notion of citizen representation, with representatives allocated to constituency areas that they must then service. This system is not sufficient to ensure that citizens' needs and interests are incorporated in policy-making, with many arguing that elected representatives owe greater allegiance to the political parties who include them in party lists, than to the electorate, who can only vote for parties and not individuals.

Opinions of policy-makers

In conducting research around public participation in policy-making, the researcher has had discussion sessions and interviews with policy-makers. These sessions revealed a heartening approach to public participation in policy-making. Interviewees were unanimous in their views that engaging citizens in join decision-making brings benefit to all. As a positive spin-off, interviewees noted that participation enables the crafting of innovative solutions to policy challenges, and that engaging citizens in policy-making contributes towards the empowerment of communities, with people learning more about governance and policy processes by getting involved in these.

However, analysis of existing mechanisms reveals that they tend to seek communities' input into *already formulated policy responses*, or to disseminate information on existing government programmes. When asked whether it would be possible to engage communities at the early stages of problem identification and policy-drafting, the response was that communities lack sufficient understanding of these processes to do so, and that such consultation would require innovative approaches.

Civil society experiences of policy processes

It clearly is critical for civil society to be effectively involved in policy processes, particularly in a context like South Africa where such spaces were never provided for during the days of oppressive rule. Civil society participation is not a favour, but rather a process that enhances the policy making process.

Some critics might argue that there are existing spaces for engaging with policy processes and that civil society needs to be better informed, positioned and active to engage with these. A counter to this is that only a privileged few have access to these spaces, which are not sufficiently advertised or accessible, particularly to marginalised groups.

Attempts to facilitate community input are largely superficial, and do not tap into the <u>real</u> power-base where decisions are made. Most processes present pre-determined positions and programmes for limited feedback or information-sharing only, or create opportunities for communities to raise concerns, and therefore make very little substantive difference to policy decisions. This thinking appears to be supported by civil society experiences of the policy process, gleaned through our research.

Groups at civil society sectoral forums spoke of mixed experiences of the policy process. Feelings of being sidelined and marginalised, excluded and disempowered overwhelmingly dominated. These were occasioned by not receiving feedback on inputs made in processes, not seeing any recommendations being taken up or any impact from having participated and made input, being co-opted into participating in a process with a pre-determined outcome, being excluded from an 'inner circle' enjoying privileged access to decision-makers and information, and not being recognized as worthy of participating.

Concerns were raised at government's tendency to call for community input at advanced stages of policy formulation, for political buy-in and implementation, rather than at the outset when problems and solutions are being developed. In this regard, participants from the children and women's group noted as follows:

> *Meaningful, participatory spaces are closing up – the really consultative processes or spaces where decisions are made are not in the public arena. There is not meaningful engagement with civil society – decisions are taken elsewhere (Children and women's discussion forum).*

They also commented that the use of primarily print media in government communication and information dissemination excludes certain groups and communities. Representatives from the CBO discussion group noted further that language used in these processes further alienates communities, and that notice of opportunities to make submissions tend to 'come late', and as a result CBOs are excluded from decision-making. They stated that CBOs need to be involved from the outset of the policy process.

Participants in the children and women's discussion forum stated that it is difficult to engage "hungry" people on policy issues. Yet the government prioritising process needs to be consultative and participatory, so that a people-driven national agenda is developed. This group stated that notions of engaging the poor in policy debates need exploring. For them, the biggest question was around *how* people can engage:

> *People's lives are stressed – how do you sustain processes and draw in groups, when the benefit or impact is not immediately apparent? The challenge is sustaining public participation at community level, and finding a balance for this, acknowledging that it comes at personal cost. Processes need to be managed in a way that helps people's lives (Participant, Children and women's discussion forum).*

The issue of the agency of poor people in particular, what contributes towards their attitude and opinion formation, and whether they can be motivated to engage with policy debates came up resoundingly in discussion forums with civil society stakeholders. Participants felt strongly that the satisfaction of basic needs has an impact on people's ability to engage with policy processes, and that those lacking in basic service delivery experience a sense of alienation from government.

Issues raised by civil society groups in their discussion forums support these findings. The CBO group noted particularly that CBOs tend to lack information on how to work with government and how to get involved in policy-making, stating that they often just do not know whom they are supposed to speak to. For this group to engage, they felt that there is a need to identify the problems they face, noting that people tend to be intimidated by those who are educated, and need to be encouraged to participate. Discussion forum participants identified a range of initiatives CSOs and government could undertake to encourage and support participation in policy processes, which are set out in the tables below.

Table 1: Government Responsibilities for Facilitating Participation

❑ Provide information on policy processes, policy options and process to be followed, in plain and local languages. Disseminate this information widely over a period of time, making use of local media, structures and networks.

❑ Build alliances and networks with civil society organizations, and collaborate with local stakeholders to plan for and organise consultative processes, and draw them into the process.

❑ Provide a venue for the process, and transport if needed.

❑ Give feedback to participants after processes, and create opportunities for ongoing engagement.

❑ Develop public participation mechanisms and processes to effectively engage with civil society stakeholders. Develop systems to capture public input and integrate this into policy processes.

❑ Build capacity among officials and bureaucrats to facilitate participatory processes.

❑ Build a service delivery ethos among government employees. Share information with government employees to ensure that they receive updated information and are able to engage with communities on this.

❑ Assist in building civil society capacity to understand and engage with government processes. This can be collaboratively done through public education initiatives in conjunction with other civil society stakeholders.

❑ Provide adequately for policy implementation, and address the need for integrated, cooperative governance.

(HIV/AIDS, Women's and Children's Rights, and CBO policy discussion forum recommendations)

Table 2: Civil Society Organisations Responsibilities for Facilitating Participation

- ❑ Mobilise communities and assist them engage with policy processes.
- ❑ Make information available in plain and local languages and disseminate this widely.
- ❑ Convene preparatory processes to enable community groups to assess a policy process and develop their position and alternatives.
- ❑ Raise awareness about government structures and processes, opportunities to engage with these and advocacy and lobbying strategies to do so.
- ❑ Organise – establish forums to monitor and interrogate government policies and programmes, give feedback to government, seek information, hold government stakeholders to account and take up issues requiring action.
- ❑ Build networks and alliances with government institutions, to share information on civil society stakeholders and services available.
- ❑ Collaborate with government institutions in planning for consultative processes, and offer resources and skills available.
- ❑ Be transparent and accountable to communities represented.

(HIV/AIDS, Women's and Children's Rights, and CBO policy discussion forum recommendations)

This thinking reveals the need for preparatory, transformative work with both civil society and government stakeholders to enable them to jointly deliberate policy options. There is no doubt that South Africa has made great strides towards inclusionary processes and this needs to be interrogated, sustained and improved in order that South Africa's new democracy may be enhanced.