

CITIZEN PARTICIPATION IN DEVELOPMENTAL LOCAL GOVERNMENT: STATUTORY OBLIGATIONS

Gerrit van der Waldt

(North West University, Potchefstroom Campus)

[Van der Waldt, G. 2004. Citizen Participation in Developmental Local Government: Statutory Obligations. *Administratio Publica*, 12(2)]

ABSTRACT

Democratic and developmental local government in South Africa depends on good relations between them and the citizens they serve. There are several statutory and regulatory initiatives to establish a framework for promoting good governance, but it seems as if developmental local government is hampered by practical constraints to fully adhere to both the spirit and word of this framework. Citizen participation is seen as broader than previous more limited efforts on community participation in linking citizens' participation more structurally to local governments through institutional linkages and it urges a partnership to foster local democracy. The purpose of this article is to identify and describe the various statutory obligations that developmental local government has to adhere to, to be truly participative and democratic in nature.

1. INTRODUCTION

The South African government's motivation for partnerships with civil society organisations stems from the recognition of its own human, financial and technical constraints in delivering development. A central and critical element of South Africa's policies is the notion of partnerships to foster cost-effective and participatory service delivery.

Democratic and developmental local government in South Africa depends on responsible and accountable officials, councillors and frontline officials, and good relations between them and the citizens of a municipality. Local government is the government body, which, with community-based organisations (CBOs), representatives from local forums and other stakeholders consult for the purpose of assessing community needs and priorities.

There are several initiatives to promote good governance at national government level (i.e. Public Service reform, the establishment of statutory and regulatory frameworks, etc.), but poor governance is perceived to be a significant problem at the local level. As local governments lack sufficient capacities, efforts to promote good local governance need to include the participation of local civil society. For good governance to be sustainable, it requires partnerships between government and civil society. Citizen participation in local governance differs from previous more limited efforts on community participation in linking citizens' participation more structurally to local governments through institutional linkages.

To regulate interactions between the state and civil society, national government created policies and legislation and has put mechanisms in place to create an enabling environment for meaningful participation. The current developmental local government framework is premised on recognition of the importance of local citizen participation in service delivery and development initiatives. The White Paper on Local Government (1998), for example, urges that “building local democracy is a central role of local government, and municipalities should develop strategies and mechanisms to continuously engage with citizens, business and community groups”.

As a consequence of decentralisation programmes the local level of government has become an increasingly important focus of development policies. Democratisation processes have underlined the importance of the involvement of citizens in decision-making processes that affect their lives. Strengthening participation in local governance is one of the challenges of inclusive democratic and decentralised government.

Various statutory and regulatory documents have seen the light which place an obligation on local authorities to make community participation mandatory. This article highlights some of the most significant stipulations in these legal documents. An in-depth analysis is of course not possible within the confinements of this article.

2. CONCEPTUALISING CITIZEN AND COMMUNITY PARTICIPATION

Participation and citizenship are debated notions. The concept of participation is becoming less concerned with participation in projects and programmes, and beginning to focus more on participation in policy processes - these notions are becoming increasingly linked (Steifel & Wolfe, 1994; Fung & Wright, 2001).

Within development circles, participation is starting to be seen as the right of people to become involved in decisions that affect their lives and to be more related to rights of citizenship and to democratic governance. Governance is seen as the relationship between those who govern and those who are governed. Citizens seem more likely to participate at local level because it is the level that is most directly linked with them. The challenge is to find out about mechanisms to integrate them into the policy making process

The essential or real meaning of democracy derives from two Greek words *demos* and *kratos*. *Demos* means *the common people* and *kratos* means *rule*. Thus, democracy essentially means the *rule* of the *common people*. Defining what constitutes the *common people* and what constitutes *rule* have both been the subject of much debate. Calling the *common people* simply, *the people*, Robert Dahl questioned how *the people* are designated (Dahl, 1989:3). According to the Hyperdictionary (www.hyperdictionary.com.) the concept ‘community’ refers to “a group of people living in a particular local area; a group of people having ethnic or cultural or religious characteristics in common; a district where people live; occupied primarily by private residences”. A more comprehensive definition of community indicates that it refers to a

body of people having common rights, privileges, or interests, or living in the same place under the same laws and regulations (Butcher, 1993:4; Wilcox, 1994:48).

Madron and Jopling (2002) bring together democracy and scientific ideas about how systems work. According to these authors all members of the system are interconnected in a vast and intricate network of relationships, called “network democracy”. The success of the whole community depends on the success of its individual members, while the success of each member depends on the success of the community as a whole. From a local government perspective the concept ‘community’ is usually used to broadly refer to all the citizens within the area of jurisdiction of the municipality. The community consists inter alia out of interest and pressure groups such as taxpayers associations, business community, women and youth groupings, religious groupings, non-governmental organisations and community-based organisations. According to Friedman and Chipkin (2001:27) local communities are understood to be an amorphous and undifferentiated whole, devoid of distinct interests, values or political affiliation. Tomas (2002:1) indicates that in a context of an increasing globalisation, cities can not be analysed as single units but as multi-centred urban regions. In fact, the differences between cities and non-cities have almost disappeared in Western countries. People usually work, live and have fun in multiple spaces that belong to a larger area than the city itself. Since one can therefore hardly speak about ‘common’ in the diverse composition of communities that characterises South African local communities, it may be argued that it is probably more accurate to refer to “citizen” participation (see also Plamenatz, 1977:25).

Stiefel and Wolfe (1994:71) define citizen participation as the organised effort to increase control over resources and regulative institutions by groups and movements, especially of those excluded from such control. Mhone and Edigheji (2003:220) indicate that participation is usually mandated in four senses:

- As voters to ensure democratic accountability;
- As citizens who through a variety of stakeholder organisations can contribute to policy processes;
- As consumers and end users who can expect ‘value for money’ and affordable services; and
- As organised partners engaged in resource mobilisation for developmental objectives.

Mhone and Edigheji (2003:223), however, maintain that in much of local development experiences the conception of community or citizen participation has remained at a rather fuzzy and ideological level. Its conception and operationalisation have not been matched by practical analytical methods and sound theoretical underpinnings. As a result, participation according to the authors has degenerated into a kind of ‘feel-good’ slogan coined to convince local citizens that municipalities have recognised the necessity of involving people in decision-making. Mhone and Edigheji (2003:223) further postulate that grassroots demands for participation in local government affairs are not always met with sympathetic responses. Bureaucratic institutions may harbour an authoritarian mindset and hence may discourage participation. This will inevitably risk local government remaining distant from rather than being closer to the people.

Good governance can provide more productive investment, supply better public good, obtain more effective resources, spur faster economic growth, and alleviate poverty. The governance characteristics of an institution cover a broad range of factors, such as transparency, administrative discretion, procedural complexity, accountability systems, and the level of resources. All these factors may have a direct impact on the institutional performance of a municipality. In some cases, institutional performance benefits from the effect of civic participation at reducing corruption.

There are different levels of citizen participation in local governance, spanning from mere consultation to actual participation in governance processes. New mechanisms are being explored which can foster more inclusive and deliberative forms of engagement between citizens and the state, as citizens are seen more as agents in more direct forms of democratic processes at local level rather than as mere subjects that elect representatives. Mechanisms promoting participatory local governance include different approaches and experiences in various parts of the world. They can roughly be grouped in three main categories: mechanisms initiated by civil society to raise citizens' voice, those mandated by governments to strengthen their responsiveness and those resulting from a joint effort of citizens and governments.

Thinkers and activists have recently focused on the importance of citizenship action and civic engagement. This is where citizens actively engage in governance and politics for a broader social good. Until the late 1990s participation typically occurred in two arenas: Community participation that tended to be limited to development or service delivery projects; and political participation that was concerned with forms of indirect representation through elections and legislative apparatus (Wilcox, 1994). Today's theorists tend to merge these arenas. As pressure grew for government service delivery to become more responsive to marginalised people, participation began to merge with the 'good governance' agenda. Participation is now understood to be concerned with something broader than just involving "beneficiaries" and "the excluded", with a focus on wide ranging forms of engagement by citizens in policy formulation and decision-making in key arenas which affect their lives (Butcher, 1993:5).

Schuler and Namioka (1993:72) argue that the key element of participation is democracy, or, the key element of democracy is participation. This position is supported by Emery (1993:34) who contests the need for a shift from representative to participatory democracy. Ebdon (2002:275) believes that grassroots democracy is about empowering all people to participate actively in the realisation of their own well-being and fulfilment as active citizens. Community participation is thus a crucial element for building local democracy.

Participation in decision-making is central to enabling people to claim their rights. Effective participation requires that the voices and interests of the poor are taken into account when decisions are made and that poor people are empowered to hold policy makers accountable. Through citizen participation greater accountability and responsiveness can be demanded from service providers as well as other actors (Newell 2000; Cornwall & Gaventa 2000; Goetz & Gaventa 2002). Citizen participation starts the

process toward a more open, inclusive, and transparent society, and it strengthens democratic institutions.

3. STATUTORY FRAMEWORK AND OBLIGATIONS FOR PARTICIPATION

Legislation can be regarded as a collection of rules devised by and enforced by a government which has authority over its citizens. It does not only establishes punishments for individuals who break the government's rules, but also – more importantly – ensures that government bodies, such as municipalities, adhere to the spirit and stipulations of particular legislation in the designing and execution of policy programmes. Below some of the most significant legislation pertaining to local democracy in general and community or citizen participation in particular, will be analysed.

3.1 The Constitution of the Republic of South Africa Act 108 of 1996

The South African Constitution states that municipalities have the responsibility to make sure that all citizens are provided with services to satisfy their basic needs. In this guide we will look at what those services are and the various ways in which municipalities can provide them in an affordable manner. We will also look at what role ordinary citizens can play to help municipalities decide what services to provide and how they will be provided.

The Constitution of the Republic of South Africa (1996) mandates local government to encourage the involvement of communities and community organisations in the matters of local government. Local government must also promote the Bill of Rights, which reflects the nation's values about human dignity, equality and freedom, and uphold the principles enshrined in the Constitution.

3.2 White Paper on Local Government

The White Paper on Local Government (1998) puts forward a vision of a developmental local government, which centres on working with local communities to find sustainable ways to meet their needs and improve the quality of their lives. It also provides three approaches which can assist municipalities to become more developmental, namely integrated development planning and budgeting; performance management; and working together with local citizens and partners. It emphasises the potential of integrated development planning as a mechanism to enable prioritisation and integration in municipal planning processes, and strengthen links between the development and institutional planning processes. It proposes a process for the development of a performance management system for local government; and suggests ways in which municipalities can engage citizens and community groups in the affairs of the municipality in their capacities as voters, citizens affected by municipal policy,

consumers and end-users of municipal services, and partners in resource mobilisation for the development of the municipal area.

In terms of the guidelines provided in Section B (1.3) of the White Paper municipal councils play a central role in promoting local democracy. Councillors should represent the interests of the community within the Council and should promote the involvement of citizens and community groups in the design and delivery of municipal programmes. Councillors should also ensure that the ways in which services are delivered match the choices of the community for how these services should be delivered.

Municipalities should adopt inclusive approaches to fostering community participation, including strategies aimed at removing obstacles to, and actively encouraging, the participation of marginalised groups such as women in the local community. Through consultation and decision-making mechanisms such as ward committees, budget consultations, and Integrated Development Planning Forums, citizens should be encouraged to provide input.

3.3 Local Government: Municipal Structures Act 117 of 1998

The principle purpose of the Municipal Structures Act is to provide for the establishment of different categories and types of municipality. The Act furthermore has the purpose to regulate the internal systems, structures and office-bearers of municipalities, and to provide for appropriate electoral systems.

Chapter 4, Part 4 of the Act deals with the establishment, and functions and powers of ward committees, whilst Schedule 1, Parts 1 and 2 of the Act deal with the electoral system for metro and local councils as well for ward elections. The ward participatory system of municipal government allows for the establishment of ward committees to facilitate community participation in the matters of local government. Ward committees can also improve communication between the municipal council and local communities, and play a role in identifying community needs and fine-tuning municipal programmes to accommodate local circumstances.

Most municipal areas are divided into wards for the purposes of local government elections. The ward participatory system allows for matters of local concern to be addressed by committees established for wards. This gives residents a more direct voice in the governance of their neighbourhood. It enhances participatory democracy in local government by providing a vehicle for local communities to make their views and needs known to the municipal council. Like communities, wards contain a wide range of needs and interests. The challenge is to ensure that the ward participatory system works in a way that brings out the diverse needs and interests that exist within a particular ward.

3.4 Local Government: Municipal Systems Act 32 of 2000

In November 2000 the Local Government: Municipal Systems Act 32 of 2000 was published to establish a framework for planning, performance-management systems,

effective use of resources, and organisational change. This Act provides for the core principles, mechanisms and processes that are necessary to work in partnership with the community.

Chapter 4, Section 16(1) of the Act deals specifically with community participation and defines the development of a culture of community participation. It furthermore identifies mechanisms, processes and procedures for community participation as well as for communication of information concerning community participation. Section 17(1) provides for the mechanisms, processes and procedures for community participation. According to this section participation must take place through the following mechanisms:

- (a) political structures
- (b) the mechanisms, processes and procedures for participation in municipal governance established in terms of this Act
- (c) other appropriate mechanisms, processes and procedures established by the municipality
- (d) councillors
- (e) generally applying the provisions for participation as provided for in this Act.

In terms of Section 17(2) a municipality must establish appropriate mechanisms, processes and procedures to enable participation, and must provide for the inter alia the consideration of petitions and complaints lodged by members of the local community; notification and public comment procedures, public meetings and hearings, consultative sessions, and report-back to the local community. The municipality must take into account the special needs of people who cannot read or write, people with disabilities, and other disadvantaged groups (Section 17[3]).

Since council meetings and its committees are open to the public and the media, in terms of Section 19 of the Act, the municipal manager must give notice to the public of the time, date and venue of every ordinary, and special or urgent meetings of the council. When the municipality invites the local community to submit written comments or representations on any matter before the council, it must be stated in the invitation that any person who cannot write may come during office hours to the municipality where an official will assist that person to transcribe his or her comments or representations.

Chapter 5 of the Act deals with the formulation of integrated development plans (IDP). As indicated building local democracy is a central role of local government, and municipalities should develop strategies and mechanisms to continuously involve citizens, business and community groups in processes such as planning and budgeting. One of the strengths of integrated development planning is that it involves the community in development, delivery and democracy. Participation of affected and interested parties ensures that the IDP addresses the real issues that are experienced by the citizens of a municipality. The IDP process is meant to arrive at decisions on issues such as municipal budgets, land management, promotion of local economic development and institutional transformation in a consultative, systematic and strategic manner. Integrated

Development Plans, however, will not only inform the municipal management; they are also supposed to guide the activities of any agency from the other spheres of government, corporate service providers, NGOs and the private sector within the municipal area.

In 2000 the Department of Provincial and Local Government has issued a Guide Pack to assist municipalities in the formulation and implementation of IDPs. In Section 4 of the Guide Pack for IDPs, mechanisms and procedures for public participation are highlighted. The purpose of this Section is to provide guidance on what each municipality needs to consider when developing a public participation strategy for its integrated development planning process.

It is proposed that a *public participation strategy* be developed taking into consideration the need to comply with any relevant legislation. This strategy must then be approved by council and implemented by the IDP Steering Committee. This participation strategy must contain a decision on issues such as:

- Roles of different role-players during the participation process (e.g. councillors, the IDP Steering Committee, the IDP Representative Forum, other officials, consultants etc.)
- Means of encouraging representation of unorganised groups
- Participation mechanisms for different phases of the methodology
- Available resources for participation
- Frequency of meetings and workshops
- Appropriate venue for the meetings and workshops
- Time frames to allow responses, comments, and inputs
- Appropriate participation tools
- Means of information dissemination
- Means of eliciting and collecting community needs (including documentation of participation inputs)(IDP Guide Pack, 2000:26).

In developing its participation strategy, the municipality has to ensure that conducive conditions are created for proper and successful public participation. The municipal government, through its IDP committee and its councillors, should use all appropriate means to encourage public participation. Active encouragement should particularly focus on those social groups which are not well organised and which do not have the power to articulate their interests publicly e.g. poverty groups, women, disabled, specific age groups (youth, orphans, and aged people) etc. The municipality has to identify the groups and determine appropriate ways of ensuring their representation. One of the mechanisms of ensuring participation of these groups is to mobilise non-governmental and community-based organisations or competent persons that advocate for their interests.

3.5 Promotion of Access to Information Act 2 of 2000

A significant piece of legislation in the context of citizen participation is the Promotion of Access to Information Act which give effect to Section 32 of the Constitution, namely the right to any information held by the State. The purpose of the Act is to foster a culture of

transparency and accountability in public institutions and any municipality in the local sphere of government. It is also the purpose of the Act to actively promote a society in which citizens have effective access to information to enable them to more fully exercise and protect all of their rights.

Part 2, Chapter 1 of the Act stipulate that citizens have the right to access records of public bodies. Municipalities, therefore, should make provision for the availability of council's records as well as the appointment of information officers. The municipal manager should appoint such an officer in terms of section 82 of the Local Government: Municipal Structures Act 117 of 1998. Information officers should develop guidelines to assist citizens who request information (Part 2, Chapter 3). Part 2, Chapter 4 makes provision for the grounds for refusal of access to municipal records in cases such as the protection of privacy of third parties, commercial information and the protection of safety of individuals.

3.6 White Paper on Transforming Public Service Delivery (1997)

Citizens have a legitimate expectation to receive local government services. Local government is the sphere closest to the people. Furthermore, the decentralisation of service delivery functions to local level taking place right across government suggests that over time local government will become the central point of delivery for an integrated national service delivery system. The Batho Pele White Paper, a document geared at improving service delivery at national and provincial levels, makes it very clear that all government institutions need to be orientated to optimise access to their services by all citizens. To this end, this document spells out eight principles for transforming public service delivery, all of which are applicable to local government. Specifically the following four principles have a direct bearing on participation:

- Consultation: Citizens should be consulted about the level and quality of services they receive and should be given a choice about the services that are offered, if possible.
- Service standards: Citizens should be told what level and quality they will receive so as to know what to expect.
- Information: Citizens should be given full, accurate information about the services they are entitled to get.
- Openness and transparency: Citizens should be told about how service departments are run and how much they cost and who is in charge.

Local government councillors and officials will be instrumental in giving effect to these principles, and they should be the focus of any local government capacity-building programme. It is therefore important for councillors and municipal staff to be active and accountable partners in the development and implementation of the policies and approaches to training and capacity-building that are now emerging for local government.

3.7 White Paper on Traditional Leadership and Governance (2003)

This White Paper (Notice 2336, 2003) is a culmination of a long process wherein the country engaged in a dialogue regarding the role and place of the institution of traditional leadership in a democratic South Africa. The majority of citizens has indicated that the institution of traditional leadership has an important role to play in deepening and enriching democratic governance at a local level.

This White Paper moves from the premise that traditional leaders must constitute part of the cadre of leadership that should continue the struggle for a better life for all in a democratic South Africa. It recognises that traditional leadership, as an institution located in the rural areas, has a role to play in the fight against poverty, homelessness, illiteracy, and the promotion of good governance throughout the country.

It makes it possible for traditional leaders to work closely with local government in the reconstruction and development of rural areas. They are encouraged to mobilise rural people to participate in rural local governance so as to achieve the Reconstruction and Development Programme (RDP) goals and local economic development initiatives, and advances the human potential of people living in rural areas. It therefore goes further than the White Paper on Local Government (1998) in the sense that it provides for a co-operative model within which traditional leadership could co-exist with municipalities. It sets out a broad policy framework that lays the basis for the drafting of national framework legislation.

Local councils should consult traditional leaders on policy and programmes that affect rural areas in general and traditional communities in particular and must form co-operative relations and partnerships with government in development and service delivery.

3.8 Local Economic Development

In pursuing local economic development (LED) offers local government, the private sector, the not-for-profit sectors and the local community the opportunity to work together to improve the local economy. It focuses on enhancing competitiveness, and thus increasing sustainable growth; and also on ensuring that the growth is inclusive. LED encompasses many different disciplines, such as planning, economics, and marketing. It also encompasses many local government and private sector functions including planning, infrastructure provision, real estate development and finance. LED is thus about communities continually upgrading their investment climates to improve their competitiveness, retain jobs and improve incomes.

Local governments can increase employment opportunities by passing laws and by-laws that require tendering processes to favour labour intensive methods of construction and local manufacture of items such as furniture for schools. They can also set up projects, especially in areas of greatest poverty, and in times of hardship such as during drought. These short term projects must, however, always be carefully established to promote long term development goals at the same time, for instance through construction of community centres or planning of woodlots.

The LED approach is effective not only in urban areas but also in peri-urban and rural areas. The LED strategic approach assists local governments in pursuing good practices in building environments that are livable, competitive, well-governed and managed, and bankable. The LED approach acknowledges autonomy of the local government. Thus, the objective of LED initiatives are to encourage local participation and consensus building in determining economic and social welfare initiatives for the community. While focusing the local economy and the importance of local ownership of the development process, the strategic LED approach concurrently views development within the context of the governance and civil society on all levels. The LED strategy reflects the view that urban areas can effectively contribute to the national government through public policies coupled with community action, private sector commitment, accountable local government, and supportive national government.

Local government plans that should influence, and be influenced by, the local economic development agenda potentially include a city's strategic plan, planning, zoning, resource management and land use development strategies, as well as anti-poverty strategies.

3.9 Municipal-Community partnerships (MCPs)

One of the greatest challenges for local government is the formulation and implementation of sustainable service delivery strategies that meet the needs of citizens in the context of limited administrative capacity, inequitable and inefficient settlement patterns, and extremely high and increasing levels of poverty and inequality. There is also a need for institutional arrangements that promote efficiency, equity and responsiveness, within a developmental approach to cooperative governance. In this context the challenge is to strengthen the democratic social contract through promoting accessibility, enhancing representivity, strengthening accountability and responsiveness. Municipal-community partnerships are mechanisms to facilitate and promote this democratic social contract.

The main purpose of a MCP is to promote good local governance whereby the community is encouraging the authority to lead development initiatives at community level, build the social economy and promote collaboration and partnerships. This is in line with the notion of 'reinventing government' (*see Osborne & Gaebler, 1992*), which is a catalytic approach to development. Rather than acting as sole deliverer of services local government steer development processes by empowering operational managers and developing greater responsiveness to the needs of citizens. MCPs should not be confused with community participation; it is about a partnership between officials, politicians and the community to establish alternative service delivery strategies.

A range of factors motivate the establishment of MCPs for local government. One of the most cited motivational factors is their potential to supplement capacity, create financial sustainability and promote efficient and cost-effective service delivery. The potential for MCPs to enhance accountability, empowerment and community 'ownership' of service delivery projects are additional motivating factors. MCPs can be mechanisms for more effective communication and the resolution of development deadlocks. They also enable

cooperation, facilitate new understanding about roles, responsibilities, duties and obligations in service provision, and aid the pooling of resources.

Typical barriers to establishing community partnerships include the lack of capacity in municipalities to put appropriate regulations, service standards and contracts in place and to monitor the outputs of MCPs. Either there are no service providers and community organisations are weak or existing service providers lack the financial and management capacity needed to engage in partnerships. Another challenge in the establishment of sustainable MCPs is the *ad hoc* nature of community partnerships. Municipalities often tend to 'projectise' development and once the project is over, community participation and engagement ceases.

3.10 Charter for the Public Service in Africa

At a meeting held at Windhoek, Namibia on 5-6 February 2001, the African Public Service Ministers met to set and implement a Charter for the Public Service in Africa. The main purpose of this Charter, which the South African Government signed, is to enhance professionalism and ethics in the public service in Africa. Considering that public services must be able to discharge, in optimum conditions of equity and effectiveness, their vital mission of safeguarding the fundamental values of the public service, protecting the public interest and promoting human and sustainable economic and social development; Considering that, in order to preserve their legitimacy, public services must adapt to and respond in a sustainable, quality-conscious and efficient manner to the needs of users by placing them at the centre of their concerns, while ensuring transparency and respect for human rights and democracy.

In Part II, the Charter outlines fundamental principles of the Public Service, namely equality of treatment, neutrality, legality, and continuity of services. More important to this article are the rules that govern relations between the Public Service and the users of its services (Part III, Charter): The public service shall serve users in accordance with the following criteria:

- proximity and accessibility of services
- participation, consultation and mediation
- quality, effectiveness and efficiency
- evaluation of services
- transparency and information
- speed and responsiveness
- reliability and confidentiality of information.

It shall be the responsibility of the administration to ensure that the mechanisms of participation and consultation involving civil society and other stakeholders are effectively put in place through consultative forums or advisory bodies. It shall be the responsibility of the public service to put in place a system of mediation through an institution that has sufficient moral and social authority that enables users as well as public service employees themselves to have means of redress other than administrative and/or legal remedies. The mandate of this institution would thus be to ensure that the

rights of users and public service employees are upheld for the benefit of all parties concerned. According to Article 12 administrative decisions shall always be taken in accordance with transparent, simple and understandable procedures, while ensuring accountability. All administrative units shall make available all the necessary information on acts and procedures in their respective domains, as well as the information required to assess their management, with a view to enabling those interested to have full access. The administration shall inform the person concerned of any decision taken concerning him/her, indicating the reasons for such decision and stating, where necessary, the legal remedies open to him/her, should he/she decide to challenge the decision. The administration shall establish or strengthen reception and information units for users in order to assist them in gaining access to services and in recording their views, suggestions or complaints.

3.8 Developmental frameworks and strategies

A number of initiatives, nationally and globally, are in place to guide local authorities towards citizen participation in development programmes. Below, some of the most significant national imperatives are highlighted.

3.8.1 *Reconstruction and Development Programme and GEAR*

Following the election of a democratic government in 1994, the Reconstruction and Development Programme (RDP) was adopted as the official national development policy. A central principle of the RDP is the empowerment of poor and marginalised communities. This is repeated in the Growth, Employment and Redistribution (GEAR) strategy, which call for "a redistribution of income and opportunities in favour of the poor".

Developmental local government is uniquely placed to combine empowerment and redistribution in a number of concrete programmes. In Programme 4, 'Democratising the state and society' the RDP takes as its starting point the Freedom Charter clause: "The people shall govern". The RDP aims to make the country democratic - to give all people access to power. According to the RDP democracy in this sense means enabling people, especially women, to participate in decision making at all levels of their lives - through people's forums, negotiating forums, work place committees, local development committees and referendums. Democracy also requires that people are well informed so that they can participate fully in decisions which affect their lives.

The RDP's main objective was to redress the socio-economic imbalances and extreme poverty that beleaguered many communities after apartheid, ultimately achieving social, political and economic justice through a people-driven process, characterised by 'empowerment through participation' (Blumenfeld, 1996). Partnerships were established between local and provincial government and communities, to ensure delivery, and resulting in an increase in the role of provincial and local government in service delivery. Bound to the principles of the RDP, delivery was to be carried out in accordance with local guidelines and policies, which prioritised empowerment and participation.

In 1996, a new macroeconomic development policy, Growth, Employment and Redistribution (GEAR), was designed in conjunction with the business sector and labour, and was introduced to reroute the South African economy. GEAR's aims were to ensure a competitive and growing economy with sufficient levels of job creation; the redistribution of incomes and opportunities in favour of the poor; equitable access to social services for all; and an environment in which houses are secure and places of work are safe (ANC, 1997). Where the RDP aimed to achieve its goals through a people-driven process, GEAR is not explicit about the role or extent of public involvement in its policies which centre on economic restructuring, trade and labour reform.

3.8.2 *Rural Development Strategies*

A *Rural Development Strategy of the Government of National Unity* was published (General Notice 1153) in 1995. Rural development is regarded as one of the main objectives of the RDP and successful rural development will be the outcome of the joint actions of rural people, their local governments and many provincial and national agencies. This strategy therefore made recommendations about how rural communities can access and use resources, including government funds and those that can be leveraged by government funds. To do this well, rural people need good information, increased capacity to evaluate, and access to planning, implementation and monitoring support. Subsequent to various input the *Rural Development Framework* was compiled by the Rural Development Task Team of the RDP Office and the Department Of Land Affairs in May 1997. The Rural Development Framework proposes how the skills and resources of councils will be strengthened through capacity building and funding. This Framework should be read in conjunction with the Land Development Objectives under Section 27 of the Development Facilitation Act 67 of 1995 that bind all land development decisions and policies in the municipal area.

Chapter 2 of the Rural Development Framework deals with "Building local democracy and development". South Africa is at present consolidating the transition of the country to democracy in all spheres. Most municipalities do not yet have the resources or the capacity to deliver services to their people. There is a large backlog of services in most areas, particularly those which were disadvantaged in the past. The demand by the ordinary citizens living in these areas for decent services is pressing and justifiable. Citizens are having to learn governance skills for the first time. Local government has to recognise and define the needs of local people, to involve local people in planning and in the actions necessary to satisfy their needs; and to enable them to assume increasing responsibility for these actions.

Organised groupings of people can lobby local councillors directly, or apply through a local coordinating committee, for funding to improve service delivery or infrastructure. After negotiation in the local coordinating committee, requests that cannot be funded by the council should be submitted by the primary council concerned to the District Council. In turn, the District Council can look to its own resources or approach the appropriate provincial or national department. In either case, the provincial inter-departmental

committee would be expected to make the final decision on the allocation. Requests from coordinating committees can also be placed by the primary council before an NGO, a donor, or a parastatal body. Local and foreign donors, parastatal or statutory bodies, or any government body should look to the committees for guidance on local priorities. This should ensure that funding is geared to genuine local needs.

3.8.3 *The Integrated Sustainable Rural Development Strategy (ISRDS)*

A further development to align government efforts towards development was the publishing of the *Integrated Sustainable Rural Development Strategy (ISRDS)* on 17 November 2000. This Strategy is designed to realize a vision that will "attain socially cohesive and stable rural communities with viable institutions, sustainable economies and universal access to social amenities, able to attract and retain skilled and knowledgeable people, who equipped to contribute to growth and development". The strategy presents an opportunity for South Africa's rural people to realize their own potential and contribute more fully to their country's future. The implementation of the ISRDS will use and develop existing institutional, planning, management and funding mechanisms to focus the expenditure of government in the three spheres to more effectively and efficiently respond to needs and opportunities.

According to Section 18 beneficiaries' own participation in the financing of subprojects generates a sense of ownership and a willingness to share responsibility for the future operation and maintenance of investments. This finding has been confirmed in Latin America, and is reported in the most recent review of successful land reform projects in South Africa. Beneficiary participation in the selection, execution, supervision, and financing of project investments ensures that investments respond to true, perceived needs, and generates cost savings and increased accountability at the local level.

Participation in priority setting and design of projects enhances organisation, either of the community, group, or even the household, heightens awareness of available programmes and services, facilitates participation and increases cost-effectiveness. Investments have greater sustainability when the municipalities, communities, and/or households contribute to financing in a cost-sharing arrangement and when there is increased beneficiary participation. Sustainability is also promoted when communities, themselves, assume greater responsibilities influence public investment expenditure at the local level. A widely disseminated and carefully designed information campaign is essential to ensure transparency and proper knowledge of the programme's objectives and contents by all potential beneficiaries.

The composition of stakeholder committee should be determined to increase the outreach of elected governmental officials, and it should report to the municipal council. In this way the committees extend the reach of the local governments into the communities, and expand the inclusion beyond those active in electoral politics.

3.8.4 *Local Agenda 21*

Local Agenda 21 is about a global partnership which build on the premises of General Assembly resolution 44/228 of 22 December 1989, which was adopted when the nations of the world called for the United Nations Conference on Environment and Development, and on the acceptance of the need to take a balanced and integrated approach to environment and development questions.

Agenda 21 addresses the pressing problems of today and also aims at preparing the world for the challenges of the next century. It reflects a global consensus and political commitment at the highest level on development and environment co-operation. Its successful implementation is first and foremost the responsibility of Governments. National strategies, plans, policies and processes are crucial in achieving this. International co-operation should support and supplement such national efforts. In this context, the United Nations system has a key role to play. Other international, regional and subregional organisations are also called upon to contribute to this effort. The broadest public participation and the active involvement of the non-governmental organisations and other groups should also be encouraged.

Information for decision-making is the subject of Chapter 40 of Agenda 21, which emphasises that, in sustainable development, everyone is a user and provider of information considered in the broad sense. That includes data, information, experience and knowledge. The need for information arises at all levels, from that of senior decision-makers at the national and international levels to the grass-roots and individual levels. Two programme areas, in particular, need to be implemented to ensure that decisions are based increasingly on sound information. These are 'bridging the data gap' and 'improving information availability'.

In sustainable development, everyone is a user and provider of information considered in the broad sense. That includes data, information, appropriately packaged experience and knowledge. The need for information arises at all levels, from that of senior decision makers at the national and international levels to the grass-roots and individual levels.

There is a general lack of capacity, particularly in developing countries, and in many areas at the international level, for the collection and assessment of data, for their transformation into useful information and for their dissemination. There is also need for improved coordination among environmental, demographic, social and developmental data and information activities.

There are at least three different approaches for structuring participation in the development of Local Agenda 21s, namely the "priority problem" approach, the sectoral or municipal services approach, and the stakeholder or thematic approach. The second one, the sectoral or municipal service approach, is based on the environmental dimensions of a city's existing sectors or municipal services. The process is as follows: an analysis is made of sector-by-sector or service-by-service issues, either by experts or by a stakeholder workshop; stakeholder working groups are established for each key sector or municipal service; working groups prioritise issues, identify options and prioritise options for each sector or service; an integrated working group develops an inter-sectoral or

cross-service strategy and sector- or service-specific action plans. It requires the active participation of key sectoral actors (e.g. industries and neighbourhoods affected by industrial pollution) or key services (e.g. the water and sanitation company directors as well as representatives of their industrial, commercial and residential customers) and a willingness to evaluate real problems in each sector or service.

4. CONCLUSION

To establish a democratic social contract between local government and its citizens requires institutional arrangements and political will. This article highlighted the statutory and regulatory framework within which these institutional arrangements must take shape. It was established that a significant number of initiatives, both nationally and globally, exist to foster citizen participation. From a national perspective South Africa has laid a sound foundation to enable local government to facilitate participation in especially developmental initiatives.

REFERENCES

- Bucek, J. and Smith, B. (2000) New approaches to local democracy: direct democracy, participation and the 'third sector'
- Butcher, H., 1993. Introduction: Some Examples and Definitions, *In BUTCHER, H. et al, Community and Public Policy*. London: Pluto Press. pp.3-21
- Cornwall, A. & Gaventa, J. 2002. *Participation and Governance (PRIA)* 8 (23) , 2002.
- Ebdon, C. 2002. Beyond the public hearing: Citizen participation in the local government budget process. *Journal of Public Budgeting, Accounting and Financial Management*. 14, 2:273-294.
- Emery, F. 1993. The Agenda for the Next wave. *In EMERY, M., Participative Design for Participative Democracy*. Canberra: Centre for Continuing Education, The Australian National University. pp. 30-39.
- Etzioni, A., 1993. *The Spirit of Community: Rights, Responsibilities and the Communitarian Agenda*, London: Fontana
- Friedman, S. & Chipkin, I. 2001. "A poor voice?: The Politics of Inequality in South Africa." Research Report No 87. Johannesburg: Centre for Policy Studies.
- Fung, A. and Wright, E. O. (2001) Deepening democracy: innovations in empowered participatory governance

Goetz, A.M. & Gaventa, J. 2001. Bringing citizen voice and client focus into service delivery. Publisher unknown.

Heller, P. 2001. Moving the state: the politics of democratic decentralisation in Kerala, South Africa, and Porto Alegre.

IDS Participation Resource Centre (database on participation and development)
www.ids.ac.uk/ids/particip

Mhone, G. & Edigheji, O. (eds) 2003. Governance in the New South Africa: The Challenges of Globalisation. Cape Town: University of Cape Town Press.

Newell, A. 2000 in Cornwall, A. & Gaventa, J. 2000. Bridging the Gap: citizenship, participation and accountability. Unknown.

Plamenatz, J. 1977. Democracy and Illusion: An examination of certain aspects of modern democratic theory. London: Longman.

Schuler, D. and Namioka, A. (eds.) 1993. *Participatory Design: Principles and Practices*. Hillsdale, New Jersey: LEA.

Steifel, M. & Wolfe, M. 1994. A Voice for the Excluded: Popular Participation in Development; Utopia or Necessity. London: ZED Books.

Wilcox, D., 1994. *The guide to Effective Participation*. Brighton: Partnership Books