PUBLIC PARTICIPATION AS A TOOL

FOR OVERSIGHT

INTRODUCTION

Citizens are critical role players in government and not just consumers of services rendered by the government, but are also stakeholders with a voice in the election of government as well as the way in which governments should run the affairs of the country. With this in mind, it is imperative that government ensures meaningful mechanisms for citizen engagement, especially in the development and implementation of government policies and programmes. At the same time, however it is important to appreciate that the nature and extent of public participation is context sensitive thus different realities may require different modalities in engaging citizens.[1]

The Preamble of the Constitution of the Republic of South Africa, Act No 108 of 1996, states that:

> "We the people of South Africa recognize the injustices of our past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our country; and believe that South Africa belongs to all who live in it, united in our diversity".

This Constitution was adopted as the supreme law of the Republic and was to heal the divisions of the past and establish society based democratic values, social justice and fundamental human rights, as well as to lay foundations for a democratic and open society. The Constitution clearly outlines the core functions of Parliament and Legislatures, namely, law-making in the Provinces, Promoting public participation in

[1] Report on the Assessment of public participation Practices in the Public service; Public Service Commission, 2008.

decision-making processes and Oversight over all government departments and entities in South Africa. This implies that as citizens are to be made aware that good governance is not guaranteed and as a result citizens are to engage government in affairs that involve government. Participating in public affairs is an indication of citizens' public interest.[2] Furthermore Section 32(1)(2) relates to the fact that everyone has the right to access to any information held by the state or another person, which is required for the exercise or protection of any rights and that National Legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state. In response to the latter, on the 3rd of February 2000, the President assented to the Promotion of Access to Information Act No. 2 of 2000.

For the first four years of the South African democracy the policy framework was characterized by White Papers that clearly articulated government's policy intent and proved an effective mechanism in ensuring extensive consultation and public participation. The Bathos Pele Principles as set out in The White Paper on Transforming Public Service Delivery, emphasize the importance of consulting citizens about the level and quality of the public service they receive and wherever possible should be given a choice of whether to comment or not in this regard. They need to be informed about the service standards to be expected. In addition, all citizens should have equal access to the services to which they are entitled to and should be treated with courtesy and consideration at all times. The value of sufficient and accurate information disseminated to the citizens regarding the public service must never be underestimated.

Public Finance Management with openness and transparency is very important to the citizens. There should be redress in the event of undelivered promised standards of service coupled with an apology, a full explanation, a speedy and effective remedy. Citizens' complaints should receive a sympathetic, positive response. Public services

[2] The People shall Govern: Public Participation beyond Slogans; Deliberations if the International Conference on Public Participation, Hosted by the Gauteng Provincial Legislature, Johannesburg, 2012.

should be provided economically and efficiently in order to give Citizens the best possible value for money. Briefly, the Slogan "Power to the People" was used as a means to express the need for poor people of South Africa to control their own movements, share their own expectations, to determine their own life style rather than to have wealthy NGO's speak on their behalf. It is in this regard that our Parliament and Legislatures strive to promote effective Public Participation.

OVERSIGHT: AN OVERVIEW

Parliamentary and or Legislature Oversight can be defined as "the review, monitoring and supervision of government and public agencies, including the implementation of policy and legislation". This definition focuses on the purpose and nature of the oversight activities rather than on the procedural stages in which they take place. It covers the work of parliamentary committees and plenary sittings, as well as hearings during the parliamentary stage of bills and the budgetary cycle.

From this definition, the key functions of parliamentary/legislature oversight can be described as:

- To detect and prevent abuse, arbitrary behaviuor, or illegal and unconstitutional conduct on the part of the government and public agencies. At the core of this function is the protection of the rights and liberties of citizens ;
- To hold the government to account in respect of how the taxpayers' money is used. It detects waste within the machinery of government and public agencies. Thus it can improve the efficiency, economy and effectiveness of government operations ;
- To ensure that policies announced by the government and authorized by parliament are actually delivered. This function includes monitoring the achievement of goals set by legislation and the government's own programmes ; and

- To improve the transparency of government operations and enhance public trust in the government, which is, itself, a condition of effective policy delivery.

To perform these functions, parliaments/legislatures use various tools. These are part of the rules that govern parliamentary procedures (such sets of rules are often called standing orders) and are different in nature such as:

- They can simply ask the government for information;
- They can ask the government for public clarification of policy;
- They can obtain information from sources outside the government; and
- They can express its views to the government and the public.

Increasingly, attention is being focused on the roles of parliamentary committees, and notably their oversight role, whereas in the past, the focus was on the legislative output of committees. While committee systems are found extensively across the parliaments of the world, they are not all the same. Some parliaments have permanent committees which are involved in both law-making and oversight; others do not. The powers of parliamentary or legislative committees also differ. Some parliaments and or legislatures make more use of ad hoc committees of inquiry than others do. In many parliaments, permanent committees oversee the programmes of the corresponding government departments, including from the budget and gender perspectives. Committees of inquiry can be established to examine the positive and negative aspects of particular policies and to pursue the responsibility of the officials in charge. Committees are also an entry point for citizens' involvement in parliamentary business. Experts can be heard in or become advisers to parliamentary committees. Committees can invite interested parties to hearings or invite members of the public to give evidence. Public hearings held by parliamentary committees have the potential to be a vehicle for informing the public on policy issues and the parliament's work on those issues. The involvement of the public in these processes is called public participation.

PUBLIC PARTICIPATION: AN OVERVIEW

Public participation is an important pillar for building and sustaining democracy throughout the world. It creates a platform for critical engagement between the citizens and the government. Briefly, public participation is a mechanism for entrenching democracy and it promotes social cohesion between government and the citizens, particularly in the provision of equality and sustainable services. People, both consumers of services and citizens, should be allowed and encouraged to express their views on governance and service delivery matters. In South Africa, prior to 1994, the government suppressed all forms of public participation especially among the black communities. The opinions and socio-economic needs of the majority of the people were not considered important by the apartheid-led government. Access to information on social, economic and security matters was suppressed in an effort to stifle opposition and criticism of its policies of racial supremacy[3]. This resulted in black communities not being equally services.

The constitutional requirement for public's access and participation provides the right to participate in the legislative processes and government's policy-making process that goes well beyond the right to vote during periodic elections. Not only must citizens be given the opportunity to speak on issues that affects them; there is also an onus on the legislatures and the executive authorities to consider the people's views seriously. Although the principle is that all groups in society should have a voice in the decisions that affects their lives, it is inevitably the organized individuals who are able to make the best use of the systems and opportunities available.

[3] Republic of South Africa, Public Service Commission, Report on the Implementation of the Batho Pele Principle of Openness and Trasparancy.2008.

THE IMPORTANCE OF PUBLIC PARTICIPATION

Public participation is vital in decision-making. It brings benefit in making an individual decision. It uses the knowledge, skills and enthusiasm of the public to help the decision and recognizes that the public have a significant role to play. Public participation is therefore a moral duty because public authorities work for the public. Basically citizens know the needs of their communities through work, play and travel. That is why public involvement is a central part of their developmental policies. Solutions to archive economic and social improvements at the same time will only be found if everyone is involved and if the discussion is open so that new ideas and approaches can be considered.

CORE VALUES AND PRINCIPLES OF PUBLIC PARTICIPATION

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process;
- Public participation includes the promise that the public's contribution will influence the decision;
- Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers;
- Public participation seeks input from participants in designing how they participate;
- Public participation provides participants with the information they need to participate to in a meaningful way; and
- Public participation communicates to participants how their inputs affect decisions.

TYPES OF PUBLIC PARTICIPATION

There are different types of public participation. These amongst others, include:

- Voting in elections;
- Participating in party politics;
- Holding public demonstrations;
- Petitioning local and national leaders;
- Lobbying decision makers;
- Outreach;
- Making written or verbal submissions to committees; and
- The use of ward committees at local government level.

Arnstein and Pretty developed seven typologies to demonstrate the different concepts of public participation.[4] These include:

- **Passive participation.**

  People participate by being told what is going to happen or what has already happened. In this context, participation relates to a unilateral top-down announcement by the authority or project manager;
- **Participation in information giving.**

  People participate by answering questions posed in questionnaires or telephone interviews or similar public strategies;
- **Participation by consultation.**

  People participate by being consulted while professionals, consultants and planners listen to views. The professionals define both solutions, and may modify these in the light of the people's responses;

[4] Davids et al. Participatory Development in South Africa. 2005

- **Participation for material incentives.**

  People participate by providing resources, such as labour, in return for food and cash;

- **Interactive participation.**

  People participate in a joint situation analysis, the development of action plans and capacity building. Here, participation is seen as a right, not as a means to achieve project goals; and

- **Self-mobilization.**

  People participate by initiatives independent of external institutions to change systems.

In South Africa, most types of public participation are applied. These all create a platform where citizens' views find their way in development planning and policy making processes. It should be noted that when citizens participate in information giving, they are often not informed on how this information will be used. It is a fact that those citizens are rarely informed of the outcomes of these participatory processes.

CHALLENGES ENCOUNTERED IN PUBLIC PARTICIPATION

The implementation of public participation approaches is not without challenges. In some cases, the more sensitive the issue is, the less the likely that consensus will be reached. A World Bank study on participation in practice[5] undertaken by Sisk identified the following challenges:

- Lack of incentives and skills among project staff to encourage them to adopt a participatory approach: Public participation requires a set of skills amongst officials to be able to interact with diverse communities as well as understand the dynamics of the society. Officials do not go an extra mile to involve the public, without incentives as well as lack of community engagement skills;

[5] Sisk, T.D. Democracy at the Local Level: The International IDEA Handbook on Participation, representation, Conflict management and Governance.2000.

- Lack of government commitment to adopting a participatory approach: Public participation is often seen as time consuming;
- Unwillingness of the project officials to give up control over project activities: Officials are often not receptive and do not acknowledge the importance of citizens' views. (They regard themselves as experts in their field;
- Limited capacity of local-level participation as well as insufficient investment in community capacity building: Community members require information about available platforms for participation. They need to be capacitated on how to get involved in matters that affect their lives so as to appreciate the importance thereof and thus make a meaningful contribution;
- Participation starting too late: At times communities are not involved at the beginning of programmes or projects and are brought in at the tail end or when development initiatives have not succeeded. This is done in order to manage the crisis and rectify the processes; and
- Mistrust between government and communities: Lack of transparency and openness often disrupts public participation.

CONCLUSION

It is evident from the above that oversight is not complete without the involvement of the public. Public Participation should not be seen as any act of kindness from the government and its departments. Departments need to recognize and appreciate the importance of communities taking part in initiatives that affect their own lives.

Portfolio Committees need to constantly engage departments on these issues.