



CREATING AN ALTERNATIVE SPACE FOR PUBLIC PARTICIPATION

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'As soon as public business ceases to be the citizens' principal business, and they prefer to serve with their purse rather than with their person, the state is already close to ruin' (J Rousseau, The Social Contract, Book III, chapter 15).



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Introduction

South Africa is rightly celebrated globally as a leading democracy in the developing world. The country enjoys a privileged status on a number of global platforms. Its political institutions and government are lauded for upholding universally held civil liberties. Indeed, the current democratic dispensation is a far cry from older formations in the developing world. Yet, when one applies a more expansive definition of democracy the picture changes somewhat.

While the struggle for liberation has ensured a supreme constitution; universal franchise; and democratic government, the entrenchment or to use a more conventional term the 'deepening' of democracy has remained far more elusive. There has been

something of a disjuncture between government and governance on the one hand and the practice of public participation on the other. This undermines not only democracy but also development.

A critical question is: what is the nature of government engagement with communities? Section 152(1)(e) of the constitution states that the objects of local government are 'to encourage the involvement of communities and community organisations in the matters of local government'. Furthermore, section 195(1)(e) states that people's needs must be responded to and the public must be encouraged to participate in policy-making. Yet these provisions in the constitution have for all intents and purposes been hollowed out and the spirit of citizenship violated.

THEORETICAL APPROACHES TO PUBLIC PARTICIPATION

Approaches to public participation range from decentralisation to a host of empowerment perspectives. These are briefly discussed below:

DECENTRALISATION

Decentralisation has been used as a key tool to evoke visions of democratic participation and as an argument against centralised bureaucratic control. Heller (2001:132) argues that 'strengthening and empowering local government has been justified not only on the grounds of making local government more efficient but also on the grounds of increasing accountability and participation.'

There is a strong link between decentralisation as a form of institutional governance and community engagement and participation. The popular perception is that decentralisation increases public participation and by implication, accountability by bringing government closer to the people. There are various ways in which this can be realised the main vehicle being local government. Local government is usually the vehicle also used to implement central government programs. However, participation of ordinary citizens in South Africa appears to be merely consultative, making it a rubber-stamping exercise.

Furthermore, community engagement is emptied of decision making content. Quite clearly, decentralisation does not necessarily suppose enhanced participation, but may in fact facilitate what James Ferguson (1994) following Michel Foucault refers to as a better system of (political) control. So, sub-structures such as ward committees facilitate tighter political control. Moreover, this may ensure political control by elite groupings and may even be a conduit for patronage. What becomes apparent is that the local citizenry have little control over developmental decisions and the development process as a whole.

Decentralisation may also be subject to elite capture in that the developmental imperatives may reflect the interests of local elites. To 'govern is to exercise power, and there are no *a priori* reasons why more localised forms of governance are more democratic' (Heller, 2001:132). The key issue that needs to be addressed when considering decentralisation approaches is how are spaces configured enabling control of the development process at the local scale? There is a need for a level of institutional engineering that would inform, if not facilitate, enhanced participatory governance.

What this means in effect is decentralisation infused with participatory democratic content – a 'filling-in' of the local state rather than the 'hollowing-out' of the same.

RADICAL DEMOCRACY

Radical democracy questions the regulative capacity of national governments and their role in harnessing the energies of ordinary citizens in governance (Cohen and Fung, 2004). The radical democracy approach seeks to make ordinary people active participants in the process of governance, by promoting 'broader participation in public decision-making' (Cohen and Fung, 2004: 23). The realisation of radical democracy sees citizens having 'greater direct roles in public choices or at least engaging more deeply with substantive political issues and being assured that officials will be responsive to their concerns and judgments. Furthermore, radical democrats emphasise deliberation. Instead of a politics of power and interest, radical democrats favour a more deliberative democracy in which citizens address public problems by reasoning together about how best to solve them. Radical democracy shifts from bargaining, interest aggregation, and power to the common reason of equal citizens as a dominant force in democratic life'.

Radical democracy apports an integral role to citizens in the production and reproduction of a progressive citizenship where ordinary people make a qualitative contribution to decision-making particularly when it comes to issues which affect them directly. It therefore has a distinct scalar geographical resonance. Here the local scale is privileged, but not exclusively so. The potential for success at this scale exists 'because of advantages in identifying problems, collaborating in their resolution, testing solutions to see if they are well-tailored to local circumstance, and disciplining solutions by reference to solutions adopted elsewhere' (Cohen and Fung, 2004:24). There is potential for other scales such as the regional and national scales to be infused with content that to an extent claims these spaces as participatory democratic rather than as purely representative. In effect there is a potential for participatory democracy to play an over-determining role.

For this to happen, the power of elites has to be curtailed. In other words, scale needs to be 'protected' against elite capture. Yet, this is difficult because there are always special or vested interests which in many cases are entrenched because of historical circumstances; institutional engineering or a combination of the two. For Avritzer (2002) 'in newly-democratised countries with long histories of authoritarian government and hierarchical public culture, the new electoral vestments may merely reproduce and reauthorise the authoritarian past' (cited in Cohen and Fung, 2004:25). This possibility notwithstanding, the influence that elites exert may to an extent be curtailed by 'the radical democratic movement'. There is, therefore, a vital role for civil society and particularly social movements to help communities realise a qualitative participatory democracy.

EMPOWERED PARTICIPATORY GOVERNANCE

Empowered Participatory Governance (EPG) is a recent approach formulated by Fung and Wright (2003). It is an approach based on concrete, empirical experience. For Fung and Wright (2003:5) EPG is 'participatory because it relies upon the commitment and capacities of ordinary people to make sensible decisions through reasoned deliberation and empowered because they attempt to tie action to discussion'. For EPG deliberation and discussion – the act of speech and argument – is central. For adherents to EPG, the approach is particularly attractive because of its emphasis on broad civic participation; deliberation, and community empowerment. The concept of deliberation is key to this approach and contrasts with consultation; information; and negotiation. The difference between deliberation and the other approaches is that decisions have already been taken and communities are merely consulted; informed or engaged in some form of negotiation around those decisions.

Communities, therefore, act as the proverbial rubberstamp. This approach is peculiar to the techno-bureaucratic state. A techno-bureaucratic state refers to a system that utilises managerialism; organisation and technical solutions to effect transformation. It is a system which depends on rule by the expert and the potential of science and reason to promote 'good governance'. With deliberation, communities are empowered to take qualitative decisions. With deliberation, decisions and the decision-making process as a whole is infused with democratic content. Yet, having said that due recognition must be given to the fact that the process may be open to elite capture by vested interests and the better resourced. But, deliberation supposes a commitment to openness and transparency.

Those engaged in deliberation must be willing to listen to different points of view; weigh the evidence presented and in a dispassionate way chart the direction to be taken.

The EPG model proposed by Fung and Wright rests on three principles:

1. A focus on specific, tangible problems;
2. Involvement of ordinary people affected by these problems and officials close to them; and
3. The deliberative development of solutions to them.

Furthermore, they propose institutional design principles to give a structure to these principles:

1. The devolution of public decision authority to empowered local units
2. The creation of formal linkages of responsibility, resource distribution, and communication that

connect these units to each other and to super ordinate, centralised authorities; and

3. The use and generation of new state institutions to support and guide these problem-solving efforts.

For those adhering to Empowered Participatory Governance it is practically orientated. In other words there are concrete situations at which the approach is targeted (Gaventa, 2006). Here the development process is driven from the grassroots by those in most need. The major problem associated with regimes that are techno-bureaucratic

is that decisions about development projects and the process itself is governed by the state apparatus with incidental input from affected communities. The focus on specific issues means that collective energies can be directed at achieving that which is tangible and relevant.

The involvement of the local community gives substance to the concept of bottom-up participation. Here local human resources are focused on solving local problems. Fung and Wright suggest that local problems may be more effectively solved by local citizens living and experiencing local conditions than by experts narrowly trained in providing technical solutions to problems. Local control of development projects also means that accountability is immediate rather than at a distance. It is an effective way of dealing with the issue of corruption. There is also a role for the expert as facilitator and not as the ultimate decision-maker.

The process is deliberative as both expert and local community members share knowledge and decide on the basis of the evidence presented what is in the best interests of the community. 'The important feature of genuine deliberation is that participants find reasons that they can accept in collective actions, not necessarily ones that they completely endorse or find maximally advantageous' (Fung and Wright, 2003:17). A key feature of deliberative decision-making is that vested interests and pre-conceived plans and power interests are all jettisoned in favour of reasoned argument and persuasion by the most convincing evidence and argument. Deliberative decision-making is more progressive than the techno-bureaucratic structure of control via administrators and managers who are not directly elected by the public and who are not directly accountable to communities but to their (also) unelected superiors. With the deliberative democracy approach experts and bureaucrats are obliged to

interact with local citizens with the aim of finding the best solution to local problems.

For Fung and Wright (2003) the Empowered Participatory Governance approach is governed by a peculiar form of institutional design. Devolution of state power 'downwards' to the local scale is a necessary feature. This devolution entails both conceptualising and the implementation of locally based solutions and accountability. Specifically, these local structures do not act in an advisory capacity but have substantial authority and capacity. This approach is clearly distinct from centralised development approaches – here identification and execution of development projects occurs at the local scale. Also, local accountability serves a monitoring function as well.

In contrast to the top-down techno-bureaucratic approach, the bottom up EPG approach does not assume total autonomy at the local level; rather the local is linked vertically to other scales through to the national scale. For proponents of EPG, higher levels of government may play an important role in terms of 'coordinating and distributing resources, solving problems that local units cannot solve themselves' (Fung and Wright 2003: 21), intervening in areas of chronic failure, and playing an important didactic role. This didactic role is very important because it serves to increase and build capacity in governance.

One of the most radical features of the institutional design of the EPG approach is its potential to transform the nature of governance. This rests in its potential to transform governance through participation and deliberation. Government institutions may in this way be re-made such that substantial decisions and decision-making are no longer the preserve of central state institutions but also fall within the ambit of the local sphere. Here structures are transformed by local practice. What is

important is that although the *raison d'être* of EPG is in the first instance project orientated it is an ongoing process, and it is this process which leads to the transformation of governance. Here the community acts as an agency to transform the structure of governance.

There are of course various criticisms of this approach key of which relates to its effectiveness at preventing elite capture. Of course any such initiative may be open to abuse, but the more empowered local communities are the less opportunity there is for this to happen. Greater participation by local communities coupled with state support reduces the scope for elite capture.

'We have reported this before, I don't think things will change'
(Township resident)

SOUTH AFRICA

The quick dissipation of the euphoria of liberation has brought into stark relief the realities and the enormity of the development enterprise in South Africa. Content-less slogans have been used to shore-up a system that has become increasingly centralised, technocratic and managerialist. Crudely put, one could rightfully accuse the South African state of being patronising and paternalistic. Moreover, what is patently clear is that democratic modes of accountability have quickly been subsumed by market governmentality. Here, the market becomes the ultimate arbiter of life in society particularly in the delivery of basic services. So, water, for example, which is basic to life, assumes the commodity form. And, one's access to water (and life) is governed by one's ability to pay for it. Moreover, one's quality of life is defined in those terms. And, it is the poor who are worse-off than

before. There are huge backlogs in services even though some progress has been made. In terms of development, it is the poor who still wait for liberation.

The techno-bureaucratic approach used in countries like Brazil and India has met with failure precisely because the 'target' of development is viewed as passive and lacking in agency. The rule by the expert (consultants) has failed. In many ways the concept of participation has been conflated with information, consultation and negotiation. Here, decisions and positions have already been entrenched and communities are merely informed; 'consulted' to fulfill legislation (as in community meetings) or a process of negotiation takes place about how best to implement bureaucratic decisions. The upshot here is that the community has no way of owning the process. In consequence development fails. Yet, the stock response of the government is not that policy has failed rather the reluctance of communities to 'participate' in the process is blamed. But, this is the key characteristic of the technocratic state – the mistaken 'belief that increased participation can be engineered through appropriate policy design' (Heller 2001:137). And, this is informed by the belief that policy is not meant to be reflexive. Yet there are examples – in Latin America and Asia where there have been high levels of success with processes which are reflexive and failure with those policies which are top-down.

South Africa inherited far greater capacities, and its planning and managerial capabilities are far better developed than its peers elsewhere like India and Brazil. South Africa has a vibrant local democracy informed by the struggle against apartheid. Moreover, 'the township-based civics movement of the 1980s not only cultivated democratic politics of opposition but also in the dying years of apartheid

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provided a range of community services' (Heller, 2001:143). Also, the strength of South African social movements has been well documented. Additionally, there are a myriad of NGOs and CBOs and the like which have strong connections to communities. However, these resources have not been sufficiently harnessed to address the challenges of the post-apartheid state.

Clearly, planning in South Africa has been stripped of its democratic participatory content. For example, the Integrated Development Plan (IDP) process has 'served largely as instruments for exerting political and bureaucratic control and as vehicles for marketisation, rather than as institutional spaces for democratic participation' (Heller, 2001:144). Not surprisingly there are low levels of public participation in IDPs, which in many cases are simply outsourced to consultants.

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But, what has been responsible for this type of approach, where citizenship has been stripped of its content and people are not seen as active participants in governance as the constitution encourages but as incidental to the process? The African National Congress as the governing party has to take responsibility. The ANC has a national parliamentary majority in addition to governing eight of the nine provinces. It has an entrenched tradition of centralist governance. It also is the dominant

partner in the alliance with the Congress of South African Trade Unions (Cosatu); the South African Communist Party (SACP) and the defunct South African National Civic Organisation (SANCO). The distinction between state and party is academic. Social movements such as the TAC and the Anti-Privatisation Forum are generally viewed in an antagonistic light by the ANC. Ward committees are politically controlled and are hand-picked by councillors. Institutional structures are not avenues for public participation but rather have morphed into conduits for dispensing patronage. Social movements rather than being viewed as active agents are in the main viewed as opponents: counter-revolutionaries whose views are not to be countenanced. Party structures act to quickly discipline those stepping out of line. Community representatives therefore are viewed as deployees of the party ensuring that the will of the party is done. Perhaps it is time for us to look to new forms of political representation.

Those subscribing to the Empowered Participatory Governance approach highlight social mobilisation. In this regard social movements play a vital role. The EPG approach assumes that social movements mobilise around resources and indeed are resources themselves. Social movements have certain demands and generally have a good idea about how to realise those demands. In South Africa, during the post-apartheid era there have been thousands of protests around services delivery. It is fairly easy therefore to engage social movements creating a forum for dialogue and deliberation.

Protests around services delivery are locality based. In effect 'projects' have already been identified. What needs to happen therefore is a conversation around how the project needs to be delivered, the role of the community; the role of the local state and bureaucracy and the allocation of resources for the realisation of the project. Clearly, state officials will need to be responsive to the demands of the community rather than adopting an aloof, distanced stance. Furthermore, policy now becomes more flexible as local conditions take on a more significant role. This creates the potential for the transformation of policy and policy-making.

However, can an EPG approach work in South Africa? How effective can it be for community engagement? Certainly, the EPG approach can work in South Africa. It needs political will and a move away from market inspired modes of services delivery, and the resources for such an approach exist. Also, the memory of struggle still exists and is fairly recent – we are after all only 16 years old as a democracy. This is evident in the social protests around the country where tactics used to fight apartheid are now being employed against the post-apartheid state. The community needs to be brought on board as equal partners in the process. The didactic nature of the process cannot be over-emphasised. Government needs to use this opportunity as a means of capacity building. For example in Porto Allegre, Brazil and Kerala, India an empowered participatory governance approach has equipped far more people with planning skills than any government program would have been able to do.

The EPG approach has great potential for success. In terms of getting people to participate in the process, evidence suggests that large numbers of the poor and marginalised will take an active part in such a process. The space that has been colonised

by the techno-bureaucratic state turning citizens into 'customers' and 'clients' needs to be reclaimed for citizenship. The structures which exist as conduits for citizens to voice their concerns are clearly not working as Hemson (2007:12) says: 'the ward committee system is not strengthening confidence in local government since these are not working as they should'. But, does this mean there is no hope? Hemson shows that among the poor there is a high level of knowledge about ward committees. This would assume therefore the potential for higher levels of participation by the poor. In Porto Allegre and Kerala it was the poor who had the highest levels of participation in participatory budgeting and the revised panchayat system, respectively.

Yet, according to Hemson, analysing a Human Sciences attitudinal survey, 'there are not high levels of participation in local government and South Africans have a generally low level of political discussion, declining with levels of income and education. Despite this, poor people have, surprisingly, higher levels of knowledge of ward committees and of their councilors. The indicators of income and location in informal settlements and tribal areas, for instance, show that the poor have a closer relationship with these structures.'

What is to be done? Clearly, a lot needs to be done. There needs to be a concerted effort to address issues of decentralisation to counter the techno-bureaucratic approach favoured by the neoliberal regime. Devolution needs to be meaningful rather than cosmetic. It needs to include resource allocation and the transfer of funds directly to the local level. Tangible problems need to be addressed such as the provision of basic infrastructure and meaningful oversight must be exercised by the community in partnership with government. Technical support needs to be provided to the community in the formulation, implementation and monitoring of

projects. The process needs to be guided by deliberation instead of the processes of information, consultation and negotiation where decisions have already been taken and the community merely plays a passive role. Quite clearly the approach adopted by the post-apartheid state has resulted in something of a development impasse. Community engagement based on deliberation, the essence of the Empowered Participatory Governance approach, offers a key opportunity for deepening democracy in South Africa.

CONCLUSION

There are various factors which have impacted or rather militated against effective community engagement and local participation. Firstly, a centralised, techno-bureaucratic state by definition acts to attenuate public participation. In South Africa it is clear that we have a techno-bureaucratic state where political democracy over-determines citizenship. It is also clear that this type of approach to governance fails in services delivery.

In proposing another approach to community engagement, it was clear that there are viable alternatives to the techno-bureaucratic state and its incarnation as representative democracy. Empowered participatory governance approaches have worked elsewhere in the world under less favourable conditions than we have here in South Africa. The examples of Porto Alegre in Brazil and Kerala in India are of singular importance to South Africa.

Institutional structures need to be modified to allow for local decision-making, local control of decision-making, technical assistance and oversight of resources and capacity building in local communities. There needs to be active engagement with community organisations and social movements. The space for NGOs to fulfill their various mandates needs to be created rather than turning them into corporatised entities in the service of government. Otherwise liberation and democracy may just turn out to be an empty shell.

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