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Crafting new democratic spaces: participatory policy-making in KwaZulu-Natal, South Africa

Janine Hicks and Imraan Buccus

janine@cge.org.za, imraan@cpp.org.za

Abstract

The purpose of the paper is to explore the notion of deliberative policy-making within the context of provincial executive governance in the province of KwaZulu-Natal, South Africa. The paper considers literature on different forms of democracy, and assesses challenges faced in engaging with citizens and drawing them into processes of governance. It draws on field-based research into existing mechanisms to facilitate public participation in policy processes in KZN, and the experiences of civil society organisations in attempting to engage with these. It examines access to and representation of civil society organisations in participatory initiatives, and the nature and design of participatory spaces themselves, building on literature in this regard, and issues raised in action-research processes.

Introduction

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

A consideration of the literature relating to democracy and the notion of new democratic spaces prompts the following sub-questions, which we seek to answer through field research findings, in dialogue with the literature:

- why do we need new democratic spaces in a ‘new’ South Africa?
- how can civil society engage with policy processes with greater equity

- and what transformation is required on the part of government to be receptive to this?
- what design elements are needed to craft and facilitate new democratic spaces?

We explore these questions within the context of government policy-making in the province of KwaZulu-Natal (KZN), primarily within the provincial executive policy arena. This exploration is grounded in the belief that ordinary people have the right to participate in the decision-making processes that affect their lives, and that informed policy-making leads to better policy, that is more responsive to community's needs.

We present an emerging participatory model in KZN, acknowledging some of the inherent challenges and tensions. This is an innovative attempt to involve citizens in creating new spaces for policy deliberation – a meeting point of government's 'invited' and civil society's 'claimed' spaces (McGee 2004, Cornwall 2004). Finally, the paper reflects what the findings have demonstrated, concluding with a synthesis of key issues raised, and identifying gaps where further work is required.

The paper commences with a framing of the problem: problematising issues relating to democracy – its deficit in its failure meaningfully to link citizens with processes of the state, and presenting approaches to deepening democracy. The notion of public participation itself is also explored – examining when attempts at participation may be viewed as co-optation; and finally, the concept of civil society is interrogated, including assumptions around its representation, power and voice.

The paper then moves to consider the South African political arena, and why there might be a need for new democratic spaces to enhance citizen participation. We consider existing systems and opportunities, political will and opinions of policy makers, and counter this with the experiences of civil society groups in engaging with policy processes, within the context of unequal power relations.

The paper then questions what interventions might be needed to enable civil society to engage with greater equity in policy processes, addressing issues relating to representation, accountability and voice, and certain preconditions that would need to be met before civil society groups could engage. Examining the other side of the equation, the paper explores how bureaucracies themselves would need to transform to better facilitate meaningful citizen engagement.

Finally, the paper examines a possible approach to crafting democratic spaces, addressing issues relating to the space for engagement, and then presenting an emerging model of a space jointly crafted by state and civil society actors. The paper concludes with recommendations on future considerations to support the functioning of such a ‘new’ democratic space.

Methodology

The methodology comprised:

- a visioning conference of policy actors on deliberative policy-making and opportunities for public participation;
- a series of discussion forums with civil society sectoral groups on policy experiences, and recommendation on the design of more participatory processes;
- a discussion session and follow-up interviews with provincial and local policy-makers on existing participation mechanisms and how these could be improved;
- desk-top analysis of existing research into participation mechanisms;
- the testing of a participatory process to seek civil society input into the drafting of the KZN provincial constitution.

Framing the problem

The democratic ‘deficit’

Many authors have written about the notion of a ‘democracy deficit’ – the failure of established, liberal notions of representative or participatory democracy to link citizens with the institutions and processes of the state, impacting on the quality and vibrancy of democracy and resulting in reduced accountability (Gaventa 2004, Luckham et al 2000). Many democracies are consequently characterised by a sense of disappointment as to how little elections have improved government accountability and performance (Carothers 2005).

Carothers notes that, typically, with growth in poverty and inequality, and as citizens become increasingly sceptical and distrustful of political parties and institutions, and of corruption, there is declining political participation. This widening gap between citizens and state institutions results in a ‘diminished democracy’ (Skocpol 2003:11). With parties’ focus characteristically being on electoral processes to the detriment of effective representation, links between citizens and the state are not being developed. The result: a ‘weak democracy marked by poor representation’ (Carothers

2005:8).

Around the world governance actors, analysts and activists are grappling with this issue, and exploring how best to engage citizens in government decision-making processes. However, citizen participation is often reduced to participation by elite, organised civil society, in the form of predominantly non-governmental organisations (NGOs), business and other interest groups with access to resources. Crenson and Ginsberg (2002) refer to this monopoly of participatory processes by elite forces as ‘downsized’ democracy (2002).

Participation mechanisms that are established to channel citizen input are not accessible to the majority population in societies characterised by inequality, particularly marginalized communities and sectors, and typically do not ‘automatically benefit poor people and groups that have long faced social exclusion’ (Manor 2004:5). The question emerges: how can we develop mechanisms that enable the poor and unorganised to influence policy-making, building ‘democratisation with inclusion’ (Manor 2004:6)?

Deepening democracy

Some authors argue that the solution to low levels of citizen participation lies in strengthening democracy: focusing on governance institutions, the capacity of civil society, and the interface between the two. This has been referred to as ‘deepening democracy’ – enabling a greater level of participation by communities in government decision-making, and in deepening the reach to enable more marginalised groups to participate.

Many authors have explored this notion of deepening democracy, and some of the assumptions influencing debates about citizen participation in governance (Gaventa 2004, Fung and Wright 2001, Brown 2004, Manor 2004, Ackerman 2004, Sisk et al 2001). These approaches include: strengthening representative democracy and participatory mechanisms; building civil society as an external counter-force to government; bringing civil society into the state in a form of co-governance and service delivery; exploring deliberative policy-making through emerging new models such as citizens’ juries and other ‘deliberative inclusionary processes’ (Holmes and Scoones 2000), bypassing traditional policy formulation processes; and exploring ‘empowered participatory processes’ through debate and consensus-based forums (Fung and Wright 2001, Cohen and Fung 2004). These approaches have been explored in political science and development theory, as referred to in the texts cited above, with many models tested and utilised in countries such as the United States of America, the United Kingdom, India and Brazil.

Some would argue that *representative democracy* is the only truly legitimate means of representing the interests of the marginalised and unorganised. While agreeing that democratic mechanisms need to promote opportunities for citizens to demonstrate which ideas have majority support, they argue that the ‘only mechanism yet devised which is capable of doing that is representative democracy, because only it is able to establish how all citizens feel about particular ideas or interests’ (Friedman 2004:23).

But how effective is the model of purely representative democracy in tapping into the interests and needs of the poor? In contexts of corruption and domination by elites, and political funding by wealthy interest groups, this is questionable. Critics of purely representative models of democracy argue, in addition, that ‘in inequitable societies representative systems will inevitably reproduce social, economic and political inequities in terms of who can engage with and influence decision-making’. They claim that *participatory democracy*, a term denoting citizens’ participation in decision-making processes outside the structures of elected government institutions, provides an opportunity to break this mould and offers scope for ‘fundamentally redressing these inequities through the participatory and deliberative process itself’ (McGee et al 2003:9-10).

A slightly deeper or expanded notion of representative democracy is that of *deliberative democracy*, replacing ‘voting-centric democratic theory’ with ‘talk-centric’ democratic theory (Chambers 2003). With an emphasis on the quality of citizens’ debate about problems, it is perceived as a ‘mechanism that enriches participatory democracy’ (McGee et al 2003:10) and enhances civic engagement (McCoy and Scully 2002).

Each of these approaches, however, is based on the assumption of the existence of a functional state and empowered civil society. Empowered participatory processes in particular require relative equity of power between citizens, and imply ‘voice and agency, a feeling of power and effectiveness, with real opportunities to have a say’ (McCoy and Scully 2002:118). This latter notion, particularly in a South African context, has to be scrutinised, to assess opportunities created for civic engagement, and power relations at play, to determine whether meaningful, effective participation is possible.

Participation or co-optation?

If we are to explore strengthening participatory mechanisms to deepen democracy, then the notion of participation must itself be examined, as this has various interpretations and application. Sisk et al posit that participation

is ‘intrinsic to the core meaning of democracy’ (2001:147), yet it seems sometimes governments view it as important only where it ‘reduces government costs and responsibilities,... when governments can offload service delivery to...NGOs and community groups or convince local residents to donate volunteer labour or materials’ (Ackerman 2004:447). This approach fails to take cognisance of the fact that ‘the opening up of the core activities of the state to societal participation is one of the most effective ways to improve accountability and governance’ (Ackerman 2004:448).

Yet citizen participation in governance is regarded by many others as having the potential to ‘reduce poverty and social injustice by strengthening citizen rights and voice, influencing policy-making, enhancing local governance, and improving the accountability and responsiveness of institutions’ (Taylor and Fransman 2004:1).

At one end of the spectrum, citizens are viewed as beneficiaries of development processes, and are involved to a limited degree in planning and assessing pre-determined development projects, to increase the effectiveness of projects. Here, a government agency might open up a process for citizen input with the sole purpose of seeking support for its pre-planned initiatives, which some might call ‘co-optation’. Similarly, it might seek legitimacy through such a process, increasing citizen ownership of, or support for, a predetermined agenda.

In the middle ground, citizens are invited on board as stakeholders to share control of development initiatives and participate in implementation, to broaden ownership. Here, the government agency might engage its citizens in planning and implementing programmes to increase their efficiency, making programmes more cost-effective and sustainable. The progressive end of this spectrum reflects a rights-based approach, which recognises participation as a right in itself, and as an entry point to realising all other rights (Eyben 2003). Here, the participatory process might seek to transform underlying social and power relations (Gaventa 2003a).

Revealing the consequences of superficial or cosmetic processes, Manor notes that ‘[i]f ordinary people find that what at first appears to be an opportunity for greater influence turns out, in practice, to be a cosmetic exercise – if they gain little or no new leverage – then they will feel conned and betrayed’ (2004: 9).

Interrogating ‘civil society’

Even if appropriate participatory mechanisms were put in place, we have to

examine whether civil society stakeholders would be able to engage with policy processes with equity. The notion that civil society participation can be strengthened simply through enhancing opportunities for stakeholders to engage with policy processes has to be challenged. Issues such as what comprises civil society, the power relationships within civil society – and between civil society and government stakeholders, representation and accountability among civil society actors, and capacity and motivation of individuals and groups to act have to be explored. Much work has been done on the definitions, role, power and accountability of civil society, which we cannot address in this paper (Edwards 2004, Howell and Pearce 2001, Michael 2004, Brown and Moore 2001).

Our reference to civil society includes actors falling within that intermediary space ‘between the family and the state’ (Edwards 2004:20) – including a broad range of actors beyond merely NGOs and civil society organisations (CSOs). In our research work and in this paper, the categories of CSOs with which we deal with are: organised structures in the form of NGOs; community based organisations (CBOs); community and membership-based; and umbrella bodies in the form of NGO and CBO network structures. We do not address participation from the perspective of unorganised civil society or individuals, and whether they perceive CSOs as adequately representing their interests, or rather as gatekeepers to power and resources.

The effectiveness of participatory or deliberative governance, and the degree to which the ideals to which it aspires are achieved, are questionable when the opening of spaces leads merely to ‘the empowerment of local elites, not ...consideration of the voices and interests of the more marginalized’ (Gaventa 2003:12). Clearly, it is important to examine this concern, and the civil society terrain.

This thinking reveals that the introduction of participatory or deliberative mechanisms to facilitate greater public participation in policy processes, thereby addressing the democratic ‘deficit’ and strengthening governance, requires genuine, transformative approaches that enable civil society stakeholders to significantly influence decision-making. It is critical to bear these concepts in mind when assessing existing participatory initiatives and exploring the crafting of new democratic spaces to complement different forms of democracy. Questions of access to and representation of citizens in participatory initiatives have to be addressed, as well as the nature of the participatory space itself.

Do we need new democratic spaces in South Africa?

The ‘new’ South Africa

It might be asked why new democratic spaces are needed in South Africa, a country regarded as having successfully made the transition from apartheid to democracy, with appropriate institutions in place to safeguard that democracy. A system of proportional representation ensures that representative democracy prevails, protecting the interests of minority groups. With constitutional and legislative provisions in place entrenching citizen participation in governance, and a series of mechanisms and structures in place to facilitate this, it might be argued that there is no need for additional mechanisms and initiatives to facilitate deeper civic engagement.

Challenges to participation – systems and reaction

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

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

In addition, some doubt does arise as to the extent of the political will of elected representatives and senior bureaucrats to put participation ideology into practice in a meaningful way. This is reflected in apparent tendencies within the leading party, the African National Congress’s (ANC) party and government structures to close ranks against those who voice any opposition to or criticism of their policies, labelling dissenters within their ranks as ‘ultra-left’, politically ambitious, or even, in some cases, racist.¹ As Greenstein remarks (2004: 28), while the ANC government is ‘clearly different from the apartheid government in its social basis, values and policy goals, it shares to some extent the mode of operation and disdain for dissent’. While South

Africa's transition from apartheid to democracy freed its citizens from racial minority rule, it 'has not offered citizens effective channels for participation in government decisions' (Friedman 2004:22).

Developing relationships with the state

South Africa's liberation from apartheid, the installation of the ANC as ruling party, and resulting transformation of upper echelons in political office, the public service and, to a far lesser degree, in business, has created a new elite. This emerging black middle class has seen a drastic improvement in its quality of life, increasingly distinct and distant from the majority working class and impoverished communities. The emerging state elite in South Africa seems to fit a characterisation typified by Moore (2005) as gatekeepers – with limited incentives to negotiate with citizens over resources.

Existing opportunities, spaces and mechanisms

At the visioning conference on participatory policy-making, participants interrogated the opportunities and mechanisms for participation, with one participant describing the policy-making process as an 'elite-driven process of exclusion and demobilisation of the public' – to great applause (Visioning Conference, October 25-26, 2005) Issues such as the spaces and resources required for ordinary people to engage with policy processes were raised, within the context of a country that should be regarded as a two-nation society. Participants expressed the view that the way public participation is conceptualised and facilitated presently reflects a model of a middle-class income society, comprising those with time and space to engage.

Public participation within processes of the provincial legislature is undermined by inadequate time for Members to consult with communities, and few opportunities for public comment. Insufficient political will to implement broader participatory processes, lack of clarity on where responsibility for this lies, as well as lack of guidelines, resources and capacity to facilitate this further weaken participation.

Poor information dissemination and lack of summarised, plain language versions of policy and legislation under scrutiny further prevents marginalised groups from participating effectively in processes. Recent interviews with the new Speaker of the KZN Legislature (Interviews with policy makers, Speaker, April 26, 2005) reveal a welcome shift in the approach to public participation, and the introduction of several new innovations to enable communities to engage with the legislature.

At the executive level departmental initiatives are in the main limited to

the *izimbizo* (public gatherings) of the Office of the Premier (Interviews with policy makers, Prof S Shabalala, April 14, 2005). These gatherings draw thousands of community members together to raise issues of concern in the presence of the Premier and departmental representatives, who have to respond to and address issues and problems raised to the satisfaction of the Premier. While this innovation has been welcomed, limitations of this forum have been noted, such as the sheer size of these gatherings, which make the forum unsuitable for deliberation on issues and possible solutions. They are also unfocused, resulting in a catch-all process for all community problems.

One provincial department, the Department of Agriculture and Environmental (DAE) Affairs has included the notion of participation in its Environmental Governance Programme. This programme hinges on the awareness that good environmental governance ‘should be a consequence of *empowered decision-making* through improved access to good information....’ (Interviews with policy-makers, Thornhill; Thornhill and Pillay undated: 3). The DAE acknowledges that the quality of stakeholder participation influences the quality of environmental governance programmes, and is exploring consultative methodologies to this end. It has identified key access principles, based on citizen access to information, opportunity to participate in decision-making, and access to redress to challenge decisions.

In the local government sphere, municipalities have initiated numerous mechanisms to facilitate public input into their decision-making processes. In the main, integrated development planning (IDP) processes are regarded as central to engaging community groups in decision-making. These include IDP forums, ward committee meetings, road shows and budget processes, and are supplemented by stakeholder meetings, media work and dissemination of information through traditional leadership structures (Discussions with policy makers, February 28, 2005; Interviews with policy makers, Biyela April 12, 2005; Zulu April 13, 2005).

Opinions of policy-makers

Discussion sessions and interviews with policy-makers revealed a heartening approach to public participation in policy-making (Discussions with policy makers, February 28, 2005; Interviews with policy makers, all). Interviewees were unanimous in their views that engaging citizens in join decision-making brings benefit to all. As a positive spin-off, interviewees noted that participation enables the crafting of innovative solutions to policy challenges, and that engaging citizens in policy-making contributes towards the

empowerment of communities, with people learning more about governance and policy processes by getting involved in these.

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

The desk-top analysis conducted for this project draws on an opinion expressed by the Chief Policy Analyst in the CPU that participatory governance allows for 'collective risk-taking and risk sharing', concluding that 'politicians could be less amenable to decision-making fright if they are convinced that the decisions they implement represent a collective societal risk taking and the sharing of the consequences of error' (Ngwenya and Ngema 2005:18). He noted further in a follow-up interview that public participation in policy making should be a component of public policy management.

Civil society experiences of policy processes

Some critics might argue that there are existing spaces for engaging with policy processes, and that civil society needs to be better informed, positioned and active to engage with these. Our counter to this is that only a privileged few have access to these spaces, which are not sufficiently advertised or accessible, particularly to marginalised groups. Attempts to facilitate community input are largely superficial, and do not tap into the *real* power-base where decisions are made. Most processes present pre-determined positions and programmes for limited feedback or information sharing only, or create opportunities for communities to raise concerns, and therefore make very little substantive difference to policy decisions. This thinking appears to be supported by civil society experiences of the policy process, shared in our policy discussion forums.

Groups at these forums spoke of mixed experiences of the policy process – feelings of being sidelined and marginalised, excluded and disempowered overwhelmingly dominated.² These were occasioned by not receiving feedback on inputs made in processes, not seeing any recommendations being taken up or any impact from having participated and made input, being co-opted into participating in a process with a pre-determined outcome,

being excluded from an ‘inner circle’ enjoying privileged access to decision-makers and information, and not being recognised as worthy of participating.

Concerns were raised at government’s tendency to call for community input at advanced stages of policy formulation, for political buy-in and implementation, rather than at the outset when problems and solutions are being developed. The use of primarily print media in government communication and information dissemination is also considered to exclude certain groups and communities. Representatives from the CBO discussion group noted that language used in these processes further alienates communities, and that notice of opportunities to make submissions tend to ‘come late’, and as a result CBOs are excluded from decision-making. They stated that CBOs need to be involved from the outset of the policy process (Discussion forums, CBO sector, April 7, 2005).

Power in the policy process

Discussion forum participants were particularly struck by power relationships at play in the policy process, both among policy-makers themselves, and between policy-makers and civil society. These were typified by unequal power relationships between politicians and bureaucrats, government and civil society representatives, those with access to information and resources and those without, those belonging to organised structures and those not, those who are viewed as educated and those not, urban and rural residents, men and women, and people with different abilities.

Participants reflected that these unequal power relationships play themselves out in the policy arena, resulting in some issues not making it onto the agenda, the exclusion of some stakeholders, the rendering invisible of others, and the exclusion of many from that critical juncture where decisions are made. Participants noted that unless these power issues are acknowledged and addressed through careful planning, collaboration and facilitation, they will continue to undermine participatory initiatives seeking to gain civil society input and buy-in.

An examination of power in the policy-making arena itself reveals a complex territory, characterised by contestation. Policy has been defined as constituting the ‘decisions taken by those with responsibility for a given policy area, and these decisions usually take the form of statements or formal positions on an issue, which are then executed by the bureaucracy’. It is a political, ‘ongoing process of negotiation and bargaining between multiple actors over time’ (Keeley and Scoones undated: 4), and reflects ‘conflicts and alliances between economic interest groups’ (Robinson 2003:7).

Participants from the children and women's group discussion noted in addition that as a starting point, power resides with political parties. There is power in the process of setting the agenda for discussion itself, and participants questioned how issues get onto the political agenda, and attract sufficient support and attention. When it comes to the implementation of policies and programmes, power is devolved to government agencies, and this is not monitored by or made accountable to civil society.

Participants from the HIV/AIDS discussion group distinguished between the power base of political and bureaucratic actors, and national government actors as opposed to provincial and local actors (Discussion forums, HIV/AIDS sector, January 18, 2005). While politicians deliberate ideas and make decisions, bureaucrats have the final power of implementation. Likewise, most policy processes are formulated at national level, which is perceived as being far removed from communities and difficult to access, with provincial and local governments then tasked with implementing these policies.

These experiences and reflections from civil society stakeholders have told us that although we have legislative provision for participatory mechanisms, and have many such provisions in place, this is not enabling civil society to participate meaningfully. Policy-makers acknowledge the limitations of these mechanisms, and civil society experience leaves us in no doubt that these are inadequate, inaccessible and disempowering, and that new approaches to participatory policy-making are required.

How can civil society engage with greater equity?

Problematising engagement

When examining civil society engagement with policy processes, it is necessary firstly to examine a set of complex issues relating to the two parties within this equation: namely civil society and the state. This component therefore begins by examining issues related to representation and accountability, addressing concerns relating to civil society organisations speaking on behalf of marginalised groups, claiming to represent their interests, without necessarily a mandate to do so, or without sufficient consultation, accountability and feedback.

What also needs to be considered is the capacity and power issues of civil society organisations needing to be addressed, for those organisations to enter into the policy arena with a greater sense of equity, as well as transformation required within institutions of the state to ensure they are more accessible and responsive to civil society.

Representation, accountability and voice

Looking at *how* civil society engages with policy processes, many NGOs and other representative groups tend to claim that they are speaking on behalf of the ‘voiceless’ – the marginalised and poor – and representing their interests in the government decision-making process. Increasingly, however, government agencies are rightfully asking on what basis such representation can be claimed. Very seldom are opportunities created for affected groups to obtain information on a proposed policy process, reflect on proposals and options, articulate preferred options and mandate representatives to speak on their behalf, with measures created for accountability and feedback.

Shankland terms this ‘representation dressed up as participation’, a flawed notion of political representation of citizens’ interests through civil society organisations, which ‘ignores the fact that debates in “new democratic spaces” occur in absence of some (indeed most) citizens and with the presence of others who may be speaking in their name’ (2005:2).

It is critical to assess who participates in the decision-making arena, and whose voice is heard. In the South African context, the relative inaccessibility of information on government decision-making and the resources and abilities required to engage in participatory processes, results in the domination of such spaces by the elite and organised and those with access to resources, such as NGOs, business and other similar interest groups.

Children and women’s group participants stated that civil society representation needs to happen beyond the known stakeholders, calling for the inclusion of diverse groups. CBO group participants spoke of the impression that organised CSOs are dominating policy processes where there are spaces for civil society to engage with government. Groups characterised by a lack of resources find it difficult to influence, although they do have muscle and a voice that they could use.

It is also important to disaggregate this ‘voice’ of representatives, and question whether this has included the stated needs of women, the elderly, youth groups and people with disabilities. There is a danger of ‘homogenising’ the voice of community representatives, which can deepen the exclusion of and perpetuate inequitable relations between these various actors (Cornwall 2003), and ‘draw a veil over repressive structures of gender, class, caste and ethnicity operating at the micro-scale’ (Williams 2004:93). In addition, the tendency to disregard differences between and within groups and emphasise consensus may result in the replication of ‘dominant discourses’, rather than challenge them (Gaventa and Cornwall 2001:75).

Children and women's group participants noted that participatory processes at community level tend to be dominated by men, and stressed the importance of questioning which stakeholders are present at these processes, and whom they represent. CBO participants concurred, stating that men tend to set the agenda and dominate discussions and processes, with women excluded from certain discussions, and that people with disabilities have limited opportunities to express their concerns. They noted that those who have access to power tend to retain power and information.

Tensions are particularly apparent between organised network bodies such as the South African National Civics Organisation (SANCO), the South African NGO Coalition (SANGOCO), CBO network bodies and the CSOs and communities they claim as membership bases. There is a perceived level of competition and struggle for dominance between these structures, which have diverse identities, yet shared membership base. CBOs at the discussion forum challenged network representatives, claiming that they are not accountable to them or representative of their needs and interests, yet have access to information, recognition and resources, all in the name of the membership interests they claim to represent. They appeared wary of networks' agenda, and suspicious of their perceived and sometimes outright political affiliation, which they stated discourages many CBOs from identifying and engaging with them.

Clearly the question arises: how can these tensions and power imbalances be surfaced and addressed so that these issues do not play themselves out in any new democratic spaces created? It is more than apparent that CSOs and representative umbrella bodies must be challenged on issues of mandate and representation. The challenge for the participatory policy initiative is consciously to address these issues in the design and facilitation of new spaces, and the rules for engagement, which we take up in the next section.

Preconditions for civil society engagement

A further question for consideration is how marginalised groups enter the policy arena motivated, empowered and equipped to engage with a greater sense of equity with government and other civil society actors. There is a body of research and writing around building a sense of agency and citizenship, which we will not be addressing in this paper. The challenge is how to help people mobilise and develop a sense of citizenship and ability to act, particularly where they experience a sense of internalised powerlessness that keeps them from the power discussion (Kabeer 2005, Gaventa 2005).

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

Participants in the children and women's discussion forum stated that it is difficult to engage 'hungry' people on policy issues and that notions of engaging the poor in policy debates need exploring. For them, the biggest question was around *how* people can engage.

In addition, several authors refer to basic resources and capacity required by participants to make full use of government participatory processes. Cornwall speaks of the need to assess what work is required with groups prior to their participation in a process, to ensure that they participate with greater equity (2004). This includes as a starting point capacity building to develop an understanding of the policy framework and process, and enhance technical and planning capacities (Logolink 2002).

It also extends to include improved advocacy skills to mobilise and organise outside of the policy arena to challenge any barriers to participation, as well as essential awareness raising and conscientisation (Gaventa 2003, Kabeer 2005). The important role played by NGOs in providing support to participatory initiatives is acknowledged, including providing marginalised groups with access to information and material support, as well as establishing 'vertical lines' of communication, linking grassroots issues and structures with national processes (Stiefel and Wolfe 1994: 207).

In a South African context, the Human Sciences Research Council (HSRC) conducted a survey into citizens' knowledge of government processes, their willingness to participate in these, and what actual participation resulted. Their findings concluded that citizens' knowledge of processes is insufficient, which impacts on their ability to engage with governance processes (Roefs and Liebenberg 1999).

Transforming bureaucracies

The issue of the equation between citizen action and state capacity, and the notion of the state's agency must also be explored. It has been noted that citizens' ability to mobilise and influence depends on the state's structure and capacity to act (Houtzager 2005). This has been referred to as 'working

both sides of the equation’ – strengthening the processes of citizen participation, while at the same time strengthening the accountability and responsiveness of state institutions and policies (Gaventa 2003:3-4).

For government agencies effectively to facilitate deliberative policy processes requires significant institutional transformation and capacity. It is critical to build the skills needed by bureaucrats to reach out effectively to civil society, and create appropriate mechanisms to ensure that information is disseminated adequately.

It seems that a more fundamental issue is the notion of ‘receptivity’ of government institutions to the voice of civil society, which goes to the heart of the organisational culture and value system of bureaucracies (Gaventa 2004). Goetz and Gaventa refer to the need for ‘greater transparency, changed staff attitudes, and the introduction or reinforcement of a service culture within the administration’ (2001:12).

Clearly, with a range of legislative and constitutional provisions for public participation in place, there is strong political will for public participation. While the current arrangements for public participation make sound theoretical sense, they often are not implemented in ways that are practical and meaningful.

Government is willing to recognise limitations in terms of creating participatory spaces. This, for us, is evidenced by the fact that the Speakers Forum of the South African Legislatures invited the Centre for Public Participation (CPP) to facilitate a workshop and to develop a national framework on public participation for all legislatures. During this process government public participation stakeholders acknowledged limitations and were willing to engage in addressing these limitations.

Manor presents interventions in the form of initiatives to change the ethos and behaviour of government employees, to ‘persuade low-level employees to behave more accountably and responsively towards local residents’ (2004:16). These include training in participatory methods for appraisal and monitoring, publicity campaigns to generate high morale among employees, and performance-related pay in relation to clearly defined performance targets (2004).

Crafting new democratic spaces

The impetus

Clearly, if current impediments to effective and meaningful public participation in governance raised in this paper are to be addressed, a new means of

engagement is required. The notion of potential new democratic spaces to frame this engagement is therefore examined in this component, critically addressing theoretical issues related to the concept of ‘space’, followed by the presentation of an emerging model for consideration, as tested in the research process.

The space itself

Before considering how spaces are designed, many stress that it is critical to consider where these spaces are located, and that the starting point must be spaces where people naturally act (Gaventa 2005). From a South African policy context, we need to seek these ‘natural’ spaces and leaders and existing knowledge, and examine how to support this, building on appropriate cultural and other societal contextual frames.

In creating new democratic spaces, we consider how the framing of participatory spaces impacts on the quality and value of the participatory process. Issues such as who creates the space for participation (thereby setting the agenda) and invites certain groups to participate (thereby excluding others), what knowledge is valued and what is disregarded, and the ‘rules’ for engagement, substantially influence the nature of the deliberation and decisions that are made within that space. The nature of participation is clearly determined by who creates the space (Brock et al 2001, Cornwall 2004, Gaventa 2003a, Sisk et al 2001).

It is also important to consider that no space is ‘neutral’. When participatory spaces are created, they are ‘infused with existing relations of power’, which ‘reproduce rather than challenge hierarchies and inequalities’ (Cornwall 2004:81). This means that established patterns of behaviour, perceptions and stereotypes which exist between groups and classes of people will ‘follow’ these people into a participatory space, and subtly influence the decision-making process underway. These spaces need to be transformed by introducing new rules, techniques and processes to avoid reproducing the status quo. This can be done through choices relating to the language used, seating arrangements, rules for engagement and decision-making, and by building on existing spaces where people are already engaging (Cornwall 2004).

These notions are borne out by discussion forum deliberations with civil society representatives, who recommended practical design elements to draw on in crafting new spaces. The notion of a joint planning committee, comprising government and local civil society stakeholders, was central to recommendations. This committee would be tasked with jointly planning for

a participatory process, identifying an appropriate venue and local stakeholders to invite, disseminating information and documents on the process, and facilitating the process.

Recommendations were put forward on choice of community spaces to use in convening participatory processes, that they should be politically neutral spaces in both urban and rural areas. Participants spoke of the need to create a greater sense of equity among government and civil society representatives by seating them alongside each other at round-tables, or making use of horseshoe seating arrangements and removing tables. Careful consideration was paid to facilitation of processes, and preparatory work that should be undertaken in the form of disseminating information on the process and policy options under consideration, in plain and local languages. Participants also called for consultative sessions to enable community members to get to grips with policy options and develop their positions and inputs.

Clearly, if notions of power, space and voice are not addressed, the mere opening up of public spaces for participation in government decision-making will result in these being filled by those who already have power and access to resources (Gaventa 2003a). Of greater concern is the need to ensure that new spaces work to the advantage of the poor and unorganised, and not that of bureaucrats. Friedman speaks of the danger of creating ‘forums which are most convenient for officials and politicians because they are structured, ... neat and easily manageable’, yet ‘least convenient for the poor who may well be far better off using the less structured methods of expression which are allowed by a democratic constitution’ (2004:25).

An emerging model – between claimed and invited spaces

Mooting the concept

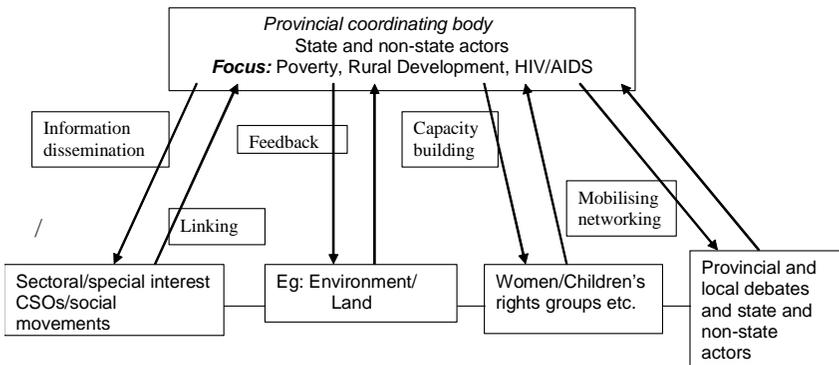
In attempting to address these design aspects, findings from our research process have been folded into an emerging joint civil society-government process in KZN, which is exploring involving civil society in creating space for participatory policy-making – somewhere between the notions of invited and claimed spaces. As this is largely untested, at this stage we can only provisionally present how this might work and what would need to be addressed.³

At the visioning conference, the notion of a provincial public policy participation forum was mooted – and adopted (figure below), and tested in a participatory process to seek civil society input into the drafting of the

KZN provincial constitution. The idea would be for this forum to operate at provincial and local levels, initiated by civil society networks at these levels in conjunction with state actors. Forum stakeholders active in these spheres would build on existing spaces or mechanisms where civil society groups are active, and jointly convene a deliberation on the emerging policy issue, using the format of new democratic spaces, that is, paying careful attention to design, facilitation and rules for engagement.

These deliberations would focus on the emerging sectoral policy issue, as well as crosscutting thematic focus areas, such as poverty, HIV/AIDS, and rural development, and would draw appropriate state and civil society actors together to initiate, develop and monitor policy in these arenas (see Figure 1) Forum stakeholders in the relevant provincial or local sphere would jointly take responsibility for planning and facilitating processes, information dissemination and civil society mobilisation – among organised and non-organised sectors.

Figure 1: KZN Public Policy Participation Forum



It appears that an overarching provincial coordinating body, or secretariat, will be needed to facilitate coordination between sectoral groups and provincial and local deliberations, but would not be responsible for arranging and facilitating all deliberations in all the different spaces, which would remain the responsibility of the state and non-state actors jointly engaged in their sphere. The secretariat’s additional responsibilities would include disseminating information and providing feedback on emerging policy issues and options, supporting networking, and working collaboratively with partners to facilitate capacity-building of civil society groups as

required. The secretariat would also ensure that sectoral groups are drawn into the crosscutting policy deliberations, so that these voices and views feed into discussions.

Future considerations

The forum seeks primarily to create a space for policy engagement, not a structure. The following issues have been raised that need to be addressed:

- *Empowerment*: the entry point(s) for the forum in the policy-making process has to be determined, as does its empowerment to influence the policy process. This is a political process, and there may be tensions with elected officials and their consultative processes;
- *Form and institutionalisation*: the constitutional nature, powers, empowerment and recognition of the forum are critical, and it should seek institutionalisation as part of the provincial policy framework;
- *Coordination*: forum stakeholders need to address issues of coordination at provincial and local levels, to ensure that responsibility is taken for collaborating with state actors to convene forums, manage the dissemination of information, collaborate on capacity-building, link provincial and district level forums, and ensure feedback to stakeholders;
- *Funding*: the forum needs to address the issue of funding and independence. It will need to obtain resources from the state and the donor community for operationalising district and local forums, yet retain a critical voice;
- *Linking with national policy initiatives*: the majority of strategic policy processes happen at the national level, and the forum needs to be able to engage with these;
- *General vs specific*: there is a need for the forum to avoid becoming a mere convenor of events for sectoral pockets of stakeholders, and to promote sustained levels of interaction and deliberation on general policy focus areas, such as poverty alleviation, rural development and HIV/AIDS. These policy issues could become platforms for such ‘cross-deliberation’.

Conclusion

Returning to the original question, of whether new democratic spaces can be crafted that enable marginalised groups to engage with policy processes from an empowered position, insights from literature and findings from our research process suggest a way in which this may be done. The emerging model in KZN provides us with a workable solution to address challenges

inherent in new democratic spaces. Examining these components reveals the following:

- we have a legislative framework in South Africa, in the form of constitutional and local government provisions. What is missing is a policy framework for the national and provincial executive. This should be developed, and accompanied by practical guidelines. This institutionalising of participation is a topic we could not address within this paper, and would need to be explored further;
- we need to address capacity of and resources for officials to facilitate genuinely participatory processes, and address the change of mindset identified as fundamental to this initiative. Work is needed in identifying solutions to these challenging issues, and for this to be integrated into the provincial executive's programme of action;
- there is a need to establish links between state institutions and civil society stakeholders at provincial and local levels, as a basis for participatory policy-making, and to enable the joint planning and facilitation envisaged;
- there is a need to provide capacity building for CSOs seeking to engage with policy processes, and build a sense of agency among community groups, over time. This would address information needs; and include programmes such as on understanding policy-making, policy research, analysis and monitoring support; and advocacy training and planning;
- civil society organisations themselves need to question their representation of marginalised groups, acknowledge deficits in accountability and mandate, and put in place mechanisms to address this;
- finally, the design ideas recommended on how best to plan, design and facilitate new democratic spaces need to be taken up, so that joint policy deliberation between government and civil society representatives are accessible, equitable and transformative.

The forum concept presented offers the deliberative policy project in KZN a good starting point to begin opening up spaces for participatory policy-making, to encourage and enable marginalised groups to enter and engage with the process. It offers us an opportunity to deepen our democracy, strengthen our policy processes and enhance accountability between government representatives, civil society and citizens. Whether this leads to more responsive and effective policy that better addresses poverty, inequality and delivery of services will have to be assessed in the future.

Notes

1. Worthwhile noting here is that the South African Broadcasting Corporation (SABC) has 'listed' about 10 journalists, not allowing them media spaces as they have been deemed over critical of the ruling party and the President. Linked to this is said to be the resignation of renowned journalist, John Perlman.
2. A series of discussion forums were convened with civil society sectoral groups to look at their policy engaging experiences and recommendations on more participatory policy spaces.
3. The authors, based at the Centre for Public Participation (CPP), were involved in an attempt to create a space that would afford civil society stakeholders the opportunity to engage provincial government in policy processes. This was done with the co-operation of the Central Policy Unit of the KwaZulu Natal legislature and the Institute for Democracy in South Africa (IDASA).

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Interviews, forums and meetings

Visioning conference: October 25-26, 2005. Sixty participants representing provincial departmental and local government policy units, local NGOs and CBOs, civil society network and umbrella bodies, trade union structures, research and academic institutions and donor organisations. Riverside Hotel, Durban, South Africa.

Discussion forums: Civil society sectoral forums, comprising NGOs, CBOs, civil society network and umbrella bodies, service providers, advocacy organisations and research bodies. All convened at the Centre for Public Participation's (CPP) Durban office, as follows:

- HIV/AIDS sector – January 18, 2005 – 13 participants
- Women's and children's rights sector – February 21, 2005 – 12 participants
- CBO sector – April 7, 2005 – 13 participants.

Discussions with policy makers: February 28, 2005, discussion session convened with a selection of 25 provincial and local policy makers as part of a CPU training workshop, February 28 – March 1, 2005. Edward Hotel, Durban.

Interviews with policy-makers: The following interviews were conducted with policy-makers and bureaucrats:

- Mr B B Biyela, Municipal Manager, Uthungulu District Municipality (April 12, 2005, Royal Hotel, Durban);
- Mr K Zulu, Manager: Planning and Implementation Management Support Centre, Ugu District Municipality (April 13, 2005, CPP offices, Durban);
- Prof S Shabalala, Chief Policy Analyst, Office of the KZN Premier (April 14, 2005, CPP offices, Durban);
- Ms M Thornhill, Strategic Environmental Management Support, KZN Department of Agriculture and Environmental Affairs (series of electronic conversations, and sharing of relevant documentation, referenced in bibliography);
- The Hon. Mr W Mchunu, Speaker, KZN Legislature (April 26, 2005, Office of the Speaker, KZN legislative complex, Pietermaritzburg).

Testing of participatory process: March 2, 2005, joint civil society and government deliberation on KZN provincial constitution, March 2, 2005, 60 participants drawn from a wide range of civil society organisations, including media, government and business representatives. Diakonia Centre, Durban.