Effectiveness or Empowerment?

An Assessment of Participatory Democracy in
Contemporary South Africa

Year 2010/2011
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Declaration

Abstract

This thesis develops a theoretical framework to demonstrate why public participation is currently promoted in developing countries by a wide range of organisations, from international financial agencies to local communist political parties. The argument is that a consensus has been reached between right- and left-wing theorists on the need to adopt participatory institutions to secure the stability and survival of new democracies. In theory, public participation can increase legitimacy of the democratic system by improving the decision-making processes (input-oriented concept) and its substantive products (output-oriented concept). An assessment of the case of South Africa illustrates that local participatory governance is currently failing on both accounts due to unresponsiveness and inefficiency. The introduction of an outcome-oriented concept of legitimacy could bridge the gap between input and output legitimacy by bringing to light the achievements of public participation and demonstrate its added value to problem-solving and reducing inequality. Thus, there is a need to develop a strong monitoring and evaluation system to facilitate a continuous process of learning and feedback to change the behaviour of both social forces and political actors in order to improve the quality of local democratic processes and their results.

Acknowledgements

As part of my Bachelor in Political Science at the University of Amsterdam, I got the amazing opportunity to study for one semester in South Africa at the Stellenbosch University. During my stay in South Africa, the country's challenge to make democracy work intrigued me.

The lecturers of the courses of the European Master's Programme in Human Rights and Democratisation and the staff of the European Inter-University Centre inspired me to develop the idea of writing my thesis on the subject of public participation in South Africa.

Fortunately, the Perelman Centre for Legal Philosophy of the Free University of Brussels (ULB) accepted my thesis proposal and has facilitated my research. My supervisor, Mr. David Restrepo Amariles, stimulated my research in posing pertinent questions and giving positive feedback. I want to thank him for his constructive criticism and helpful insights.

Last, but certainly not least, I want to thank my parents for without them this thesis would not have been possible.

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List of Abbreviations

ABM	Shackdwellers Movement (Abahlali baseMjondolo)
AFP	Anti-Privatisation Forum
ANC	African National Congress
BEE	Black Economic Empowerment
BESG	Built Environment Support Group
CBOs	Community-Based Organisations
CCF	Concerned Citizens Forum
CINDI	Children in Distress Network
CODESA	Convention for a Democratic South Africa
COSATU	Congress of South African Trade Unions
CPI	Corruption Perceptions Index
CPM	Communist Party of India
GDP	Gross Domestic Product
GEAR	Growth, Employment and Redistribution framework
GPOBA	Global Partnership on Output Based Aid
IAP2	International Association for Public Participation
IBP	Independent Budget Partnership
ICSW	International conference on social welfare
IDASA	Institute for Democracy in Africa
IDP	Integrated Development Plan
IMF	International Monetary Fund
INTOSAI	International Organization of Supreme Audit Institutions
LPM	Landless Peoples Movement
NGOs	Non-governmental Organisations
NP	National Party
NUNW	National Union of Namibian Workers
OECD	Organization for Economic Cooperation and Development
PBF	Performance Based Financing
PPA	Participatory poverty assessments

PPP	Public-private partnerships
PRSP	Poverty Reduction Strategy Papers
RDP	Reconstruction and Development Program
SACP	South African Communist Party
SANGOCO	South African National NGO Coalition
UDF	United Democratic Front
WCAEC	Western Cape Anti-Eviction Campaign

Introduction

After apartheid was abolished in South Africa, the first democratic elections with universal suffrage were held in 1994. Directed by the newly elected African National Congress (ANC) government the drafting of a new constitution started, which resulted in adopting the Constitution of the Republic of South Africa in 1996. Both liberals and social democrats around the world praised this constitution for its promotion of freedom and democracy. It is seen as a "state of the art" document, which contains a wide range of classic political and civil rights, but also provides protection of social, economic and cultural rights. It institutionalises a range of independent watchdog agencies and commissions and an activist Constitutional Court to guarantee the protection of these rights.[1] Moreover, South Africa's constitutional democracy is both representative and participatory in its nature as it guarantees citizen involvement in public life apart from voting in elections.[2]

These participatory aspects have been valued and advocated by both (neo-) liberal and social democratic theorists and practitioners in recent years. Where there are tensions and even contradictions between these two ideologies on many political issues, a consensus appears to have been found on the need for more participation in public life. This is partly due to the fact that participation is a rich concept that means different things to different people in different settings. For some, it is a matter of principle; for others, a practice; and for still others, an end in itself. Aside from these different meanings, one thing that is clear is that participatory practices have been implemented all over the world, both in developed as in developing countries. In Spain, for example, citizens' juries are one of the main manifestations of this trend towards local democratic innovation. The idea of such a jury is that a randomly selected group of people makes a decision on a given public policy after a process of hearing the opinions of the main stakeholders and experts.[3] At the same time, a mechanism of participatory budgeting was introduced in the city of Porto Alegre in Brazil, which allowed citizens to identify,

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[1] Mattes, 2002, p. 24.
[2] Nyati, 2008, p. 102.
[3] Font and Blanco, 2007, p. 561.

discuss and prioritize public projects. Moreover, participatory budgeting in Porto Alegre gave citizens the genuine power to make decisions about how to allocate (part of) the municipal budget.[4]

These examples illustrate that public participation can be institutionalised through several mechanisms. This makes the definition of public participation itself either very broad, including all possible participatory mechanisms,[5] or too limited, focusing only on one specific mechanism.[6] Therefore, in this study I will define public participation according to the main principles as identified by the International Association for Public Participation (IAP2): public participation is a process, which enables those who will be affected by a decision to influence the decision-making process in order to promote sustainable decisions. It is thus not a process in which information is solely conveyed from the government to the public (communication), or only from the public to the government (consultation),[7] but rather a situation of dialogue, preferably embedded in deliberative structures.

The local level is seen as the most appropriate sphere to implement new forms of democratic practice to promote citizens' participation in issues of public policies. Nevertheless, despite the popularity of local governance and the participatory innovations, the actual democratic impact of such political developments should not be taken for granted since the process has to go through non-negligible challenges. After a decade since the first local government elections in 2000 in South Africa, it is therefore important to assess the actual impact of these participatory innovations and decentralisation reforms on the state of democracy.

The democratic impact of public participation lies in its ability to secure legitimacy through the involvement of citizens in government processes. In theory, public participation can increase legitimacy by improving the decision-making processes (input) and its substantive products (output).[8] On one side, citizens will thus view the political system as more legitimate when they have an equal opportunity to

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[4] Santos, 1998, p. 461.
[5] Rowe and Frewer, 2005, p. 256.
[6] Santos, 1998.
[7] Rowe and Frewer, 2005, p. 256.
[8] Scharpf, 1999.

deliberate about public policies that directly affect their lives and have a say in the final decision-making process. On the other side, the standards and policies that are the result of a participatory process will be more efficient, owing to the inclusion of citizens' preferences and the involvement of actors with much local knowledge, and thus more legitimate.[9]

In the case of South Africa legitimacy plays an important role. Under the rule of the apartheid regime, the majority of South Africans were excluded from much of the social, economic and political life based on their race. The apartheid regime violated a number of human rights, the most obvious being the non-discrimination principle. Due to its lack of legitimacy both nationally and internationally, the system came under pressure by internal resistance and violent uprisings as well as by the long trade embargo against South Africa. After almost fifty years, the system finally collapsed and the transition towards democracy could begin. By establishing democratic rules, principles and standards and acting in accordance with them the newly elected South African government tried to build political trust and ascertain legitimacy among the population. The ANC aimed at addressing the immense socioeconomic problems brought about by the consequences of the old apartheid policies through alleviating poverty and increasing service delivery. After years of resistance, South Africans, and the black population in particular, expected that their overall wellbeing would increase significantly and quite rapidly.[10] However, it has proven to be an immense challenge to reconcile a nation so divided and redress such deep-rooted inequalities.

What is more, is that South Africa has made particular choices at the macroeconomic scale, while at the same time struggling with ways to institutionalise and deliver on its development imperatives locally.[11] By adopting the Growth, Employment and Redistribution framework (GEAR), the post-apartheid state embraced neoliberal ideologies that prioritise minimization of state activity and a promotion of partnerships with private sector actors. At the local level, this has led to some tensions between "the commitment to development and poverty eradication and a market-driven

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[9] Papadoupolos, 2007, p. 449.
[10] Pons-Vignon and Anseeuw, 2009.
[11] Oldfield and Stokke, 2007, p. 145.

promotion"[12] of efficient municipalities. Recently, policies of cost recovery for basic services, such as water and electricity, have been implemented to address inequalities through market regulation. However, as a result of mixed and even disappointing outcomes of these policies, for the poor in particular, neoliberal critics have questioned the state's ability to promote socioeconomic justice and redress inequalities.

On this subject, Gibson contends that "fledging democracies are not threatened by disagreement about most aspects of public policy, but deep divisions over the legitimacy of democratic institutions and processes […] may render democracy too fragile to be effective."[13] The most important thing for new democracies is to get their political fundamentals rights, because the political performance of a system has proven to be more important to citizens than its (under)performance in other areas.[14] Popular commitment to the new system is thus mainly determined by its ability to deliver on its promise of freedom and democracy. The legitimacy of the democratic system depends for a large part on the institutionalisation of fair and effective democratic institutions and processes.

It has been demonstrated that the entire process of increasing legitimacy consists of an input- and an output-oriented component.[15] During transition to democracy and its eventual consolidation, it is presumed that input legitimacy will be achieved through the creation of opportunity structures, such as political institutions, legal tools and different kind of both formal and informal practices, for citizens' participation, while the production of substantive results regarding, for instance, the fight against corruption as well as the provision of a whole range of public services, will increase output legitimacy.[16] In turn, public participation in government processes could meet the common aspirations of the majority of the population about democracy and human rights.

The introduction of participatory mechanisms could increase both the input and the output legitimacy of the democratic system. By including those who will be affected

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[12] Ibid.
[13] Gibson, 2003, p. 776.
[14] Schedler, 2001, p. 76.
[15] Scharpf, 1997.
[16] Andreev, 2008, p. 95.

by decisions in the decision-making process political equality will be increased and results will be improved by better matching citizens' needs. In more detail, the participatory and deliberative aspects of the process contribute to the empowerment of previously discriminated groups by creating equal opportunities and raising awareness. By empowering people they would be capable of defending their own interests. These newly created opportunities could be used to redress inequalities of the old apartheid regime and increase input legitimacy through the institutionalisation of democratising practices.

Output legitimacy could be increased when participatory procedures achieve decisions that are more efficient, because social problems can be solved more effectively and the extent to which citizens are satisfied will be higher. By listening and being more responsive to priorities of citizens, the state will become more effective and able to achieve sustainable economic growth, which increases output legitimacy of the democratic system.

In general, neo-liberal theorists have focused more on the contribution participation makes to output legitimacy and contend that too much emphasis on the process itself will only result in endless talking without results, while left-wing theorists emphasise the importance of the fairness of the process, contending that otherwise existing inequalities will be left unaddressed.

In this thesis I will combine this normative assessment with empirical analysis in order to evaluate to what extent public participation in local government processes contributes to the legitimacy of the democratic system in contemporary South Africa. While several studies have been done on the specific background of South Africa and its potential to implement more participatory practices,[17] little research has focused on the impact these practices have had in reality. Moreover, there is a lack of coherent theoretical explanation to account for where and when these participatory experiences are likely to be successful. So far, most studies on public participation have focused on the most successful cases[18] and thus selected on the dependent variable, which has led to the lack of a generalizable theoretical framework that will allow us to better explain a

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[17] See for example, Heller, 2001; Buhlungu, 2005.
[18] See for example, Santos, 1998; Abers, 2000.

wide range of outcomes. In this study I will approach public participation in the light of legitimacy as a relevant category to evaluate its impact on the state of democracy in South Africa.

In the next chapter I will put the different theories of public participation and its contribution to legitimacy in perspective and contend that both concepts of legitimacy have to be taken into account when evaluating the strengths and weaknesses of participatory processes and neither may be neglected in order to promote the stability of the democratic system. Furthermore, in order to evaluate the impact of public participation on legitimacy of the democratic system, I will identify two sets of indicators. In comparison with two well-known cases of public participation, namely in the Indian state of Kerala and the Brazilian City of Porto Alegre, I will elaborate on the potential to successfully implement public participation in South Africa and its legal framework in chapter 2. On the base of the different indicators, I will assess public participation processes on the local level in South Africa in order to evaluate its impact on legitimacy. In the final chapter I will indicate the weaknesses of the current participatory practices in South Africa and argue that too much emphasis on either one of the concepts of legitimacy will be less effective than combining them. By connecting the input- and output-oriented concept of legitimacy through the evaluation of outcomes, a more comprehensive and complete analysis of public participation is made possible.

I thus hope, through a case study nourished by theoretical reflection, to contribute to cumulative knowledge of the state of participatory democracy in contemporary South Africa. Although the success of public participation is heavily dependent on local socioeconomic and political conditions, the results can hopefully also be used to learn lessons from the South African participatory practices to achieve a better understanding of what works and what does not work in improving the legitimacy in emerging democracies.

1. Public Participation in Theory

In this chapter I will elaborate on the theoretical backgrounds of participatory democracy. Recently, both right and left wing theorists have advocated this model of democracy as an alternative to the traditional representative model, which is for several reasons not living up to its democratic ideal. However, reaching this ideal is also not guaranteed automatically by implementing more participatory forms of democracy while different obstacles have to be overcome. By clarifying the objectives of institutionalising public participation processes, I will be able to assess the democratic impact of such new mechanisms in the next chapters for the specific case of South Africa.

The spread of the Western liberal model of democracy during the last decades of the twentieth century has made this form of government hegemonic in most parts of the world. The core principles of this representative democratic model include a well functioning rule of law, regular free and fair elections and the promotion of civil liberties.[19] This form of government has been most consolidated in countries in the Western world, while dozens of developing countries are still in the process of democratisation. The implementation of this universal model even became "a political conditionality for the granting of loans and financial aid"[20] by the World Bank and the International Monetary Fund (IMF). Developing countries thus had to meet certain democratic standards in order to receive development aid.

However, in recent years, a crisis has emerged in many of the core countries relating to the representation and participation of citizens in the democratic system, that Santos has called the crisis of double pathology.[21] On the one hand, citizens are participating less and less in elections, because they do not have the feeling that their vote will make a difference. On the other hand, the representativeness of those who are elected diminishes. In other words, there seems to be apathy and a lack of interest in

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[19] Freedom House, 2010.
[20] Santos, 2005, p. lxiii.
[21] Idem, p. xxxv.

public life in Western democracies and the elitism of political parties and governing groups has led to the alienation of big parts of society.

Moreover, according to Moynihan, the problem with representative forms of government in developing countries is not so much the lack of promotion of citizen involvement, but the general failure to meet its basic responsibilities.[22] This is often the result of high levels of corruption, the failure of the government to deliver basic services to its citizens and the existing power structure. These unequal power relations offer the elite the opportunity to exclude ordinary citizens from the decision-making process, as they are not able to have their voice heard.

In order to cope with the 'democratic deficit' of the Western liberal model of democracy and to promote good governance and social justice, participatory forms of democracy were increasingly established in developing countries. This model of democracy is based on the premise that every citizen in principle has a say in how the democratic system is run.[23] Participatory institutions have the potential to deepen the quality of democracy by extending rights and benefits to individuals who where previously denied access. Moreover, the development of participatory mechanisms has been advocated by both theorists from the (new) right as well as from the (new) left as an adequate strategy for overcoming the contemporary crisis of representative democracy, although their argumentation differs of course in motivation and nature. Hereafter, I will elaborate on the background and the main characteristics of these different theories and describe which objectives they aim to achieve.

1.1 A 'Technocratic' Conception of Public Participation from the Right

The best illustration of the new-right ideology was observed in the administrations of Ronald Reagan in the United States and of Margaret Thatcher in the United Kingdom. As an answer to the socio-economic and political crisis of the 1970s both governments started to withdraw the state from these spheres. Since the 1980s, the New Right has been advocating the view that political life, like economic life, is a matter of individual

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[22] Moynihan, 2007, p. 59.
[23] Young, 2000, p.17.

freedom and initiative.[24] But, as Guarneros-Meza and Geddes contend, neoliberalism is a "complex, diverse and contested"[25] concept that "works on a number of levels."[26] Brenner and Theodore, for example, refer to "neoliberal localization"[27] to describe the replacement of the old local state apparatus by new forms of local governance, such as 'networked' forms of governance based upon public-private partnerships (PPP), new public management strategies and privatization of municipal services. While this literature initially focused primarily on institutional changes in Europe and North America, neo-liberalization of local governance is now increasingly seen as a global phenomenon.[28]

In the context of participation, the most important objectives of neo-liberals are the minimizing of the state through association with non-governmental actors and the improvement of administrative functions.

On the one hand, this means that governments, under the rule of neo-liberalism, delegate numerous public services to private, for profit and non-profit, agencies to lower popular pressure on the state. This implies in fact the active participation of non-governmental bodies in decision-making procedures through which the state is able to minimise its presence in the socio-economic spheres. Thus, the fact that NGOs have taken over some of the state's responsibilities actually led to a new form of democratisation where civil society organisations became active partners in the delivery of public services.

NGOs have become active in a great number of sectors, the most important being healthcare, welfare and education. Neoliberals advocated the reduction of state's responsibilities towards its citizens by giving the market more authority and engaging in partnerships with NGOs. This led to a growth in the number of NGOs and networks of NGOs, which was necessitated by the rising poverty and inequality. There was a widespread belief in the ability of NGOs to fill this vacuum and help in diminishing poverty and inequalities.

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[24] See Hayek, 1982; Nozick 1974.
[25] Guarneros-Meza and Geddes, 2010, p. 116.
[26] Ibid.
[27] Brenner and Theodore, 2002, p. 369.
[28] Leitner et al., 2007.

A clear example of NGOs taking over government responsibilities is in the field of welfare. André Kalis, the National Director of the South African National Council for Child and Family Welfare, stated on the 29th ICSW international conference on social welfare that it is widely acknowledged that the state alone cannot achieve its goals in addressing social needs.[29] According to him, it is clear that organs of civil society in a democratic setting, firmly rooted in society and with popular participation and voluntary support, are essential for a caring, responsive and effective service delivery network. Moreover, Kalis stated that the level of a country's democracy can be measured by the degree to which there exists an active voluntary welfare initiative and a wider civil society. These initiatives of the private sector are characterised by flexibility, responsiveness and innovation and with adequate funding from the government, the public, the corporate sector and other donors, NGOs are able to contribute extra time, resources and ongoing commitment to different programmes. Therefore, it is important to recognise and formally acknowledge the role NGOs can play in social development.[30]

Next to the field of welfare, NGOs also become involved in the provision of health, education, housing, water and sanitation services. However, analysis of this non-state provision of basic services indicates that they have a number of problems in common, such as dual practice and informal charging; concerns over quality of the provided services; the lack of government's capacity to contract and regulate non-state providers; and low levels of consumer information.[31]

Next to partnerships with civil society, different forms of privatisation were implemented in Africa to reduce states' responsibilities, including the direct sale of public assets, commercialisation, outsourcing and public-private partnerships. Privatisation of public enterprises occurred notably in three sectors, namely infrastructure (telecoms, electricity and natural gas, transport, water), finance (banks, insurance, other financial services), and energy (exploration and production of oil and gas, other hydrocarbons). These three sectors accounted for about 90% of total transaction value.[32]

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[29] Kalis, 2000.
[30] Idem, p. 1.
[31] Moran and Batley 2004.
[32] Pamacheche, 2007, p. 7.

In the field of Aerial companies and in the transformation of agricultural export crops (sugar, coffee, tea, palm oil, cotton) there have been important privatisations as well. Yet, this process has had some negative results as an important number of jobs disappeared and many workers were put out of work. Additionally, according to Jauch, there has been an increase in prices for essential services, because privatised state-owned enterprises will soon increase prices and offer services only to those who can afford them as they are driven by mere profit motives.[33] The high poverty rates in most African countries imply that a large part of the population cannot pay for services and therefore does not receive them. In many cases, Jauch states, privatised health and education services prevented people from going to hospitals or sending their children to school, because they simply could no longer afford to do so.[34] Even access to water and electricity was threatened, as water and electricity cuts for those who were too poor to pay became a sad reality in several African countries. In South Africa, for example, about ten million poor households haven been disconnected from water services since 1994, because they had fallen behind their payments.[35]

IMF and World Bank as well as many African governments believe that privatization will help them solve financial problems and inefficiency, notably in parastatals. They hope that through privatization they can achieve an expanded and more dynamic private sector, more efficient and effective infrastructure provision and increased investment, both domestic and foreign.[36] These positive developments emanating from privatization should subsequently lead to the achievement of poverty alleviation goals, given their direct impact on economic growth, which subsequently leads to job creation in these countries.

Local and foreign businesses usually push for the privatisation of profitable parastatals as investment possibilities with high returns. On the other hand, community organisations and especially trade unions have pointed to the negative social consequences of privatisation in Africa. Trade unions in many African countries have started to protest against privatisation. South Africa's trade union federation COSATU,

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[33] Jauch, 2002, p. 3.
[34] Ibid.
[35] Miraftab, 2004, p. 97.
[36] Jauch, 2002.

for example, staged national strikes in the early 2000s to demand an end to privatisation, especially when it concerns basic services and national infrastructure. Likewise, the National Union of Namibian Workers (NUNW) has presented several proposals to the Namibian government, suggesting how the performance of parastatals could be improved without privatising them.[37]

But there are not only bilateral partnership between government and NGOs on the one hand and government and private agencies on the other hand. Also combinations are emerging. A good example can be found in (public) healthcare. Here we see new approaches in which governments delegate responsibilities to NGOs, which they, at their turn, delegate to private partners. NGOs contract local providers to deliver the health care services through an approach called Performance Based Financing (PBF), which has received increased attention in recent years.[38]

The Global Partnership on Output Based Aid (GPOBA) defines PBF as "a strategy for using explicit performance-based subsidies to support the delivery of basic services where policy concerns would justify public funding to complement or replace user-fees."[39] This approach aims at the contracting out of service delivery to a third party in order to link payment of public funds with the actual delivery of these services. PBF is intended to contribute to improvement of health provider performance and ultimately to improved quality of health service delivery at the operational level for which should be paid. In this, a split of responsibilities is essential between provider, purchaser and regulator. As a result greater transparency is implied through checks and balances.

Yet again, the reality seems to be more unruly and obstinate than the theory would suggest. Recent analyses have demonstrated that the actual 'modality input planning' does not stimulate health providers to perform better, because money flows are not linked to results. The professionals and constituencies that are in favour of PBF argue that enhanced productivity and quality of care depend on linking outputs to financial incentives. However, benefits of PBF are still inconclusive with suggestions that it is not sustainable, it will not have a pro-poor effect, or it may create perverse

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[37] Idem, p. 3.
[38] Toonen, et al., 2009.
[39] Idem, p. 16.

incentives.[40] Notably the lacking of a pro-poor effect is very interesting and corresponds with the more general criticism of left-wing theorists on the neo-liberal line of reasoning. The main problem they identify is that neoliberal policies will only increase inequality and produce serious constraints on political, social and economic life.

The emphasis on partnerships, cooperation and stakeholders is partly the result of the shift from the traditional hierarchical concept of government managed by elites to the more horizontal notion of governance. Governance, as defined by Bagnasco and Le Gales, is "a process of co-ordinating actors, social actors and institutions in order to reach objectives, which have been collectively discussed and defined in fragmented […] environments."[41] Instead of intervening or regulating, the state now has the task to interact and negotiate with different actors in the socio-economic domain in order to develop and maintain partnerships with and among them. Through the promotion of governance as the main principle of public administration the neo-liberals have in fact put participatory approaches high on their agendas.

On the other hand, neo-liberal theory advocates a remodelling of the state and its bureaucracy according to free-market principles, also known as new public management. This means that the functioning of the public administration should follow the managerial logics of a large private company, i.e. efficiency, effectiveness and service quality.[42] New public management is thus oriented towards results through better management of the public budget. This greatly influenced the nature of the citizen-state relations as it changed citizens into customers by enabling them to express their opinions more easily on the quality of specific public services through commercial instruments, such as user satisfaction surveys, complaints procedures, focus groups and interactive websites.[43]

International organisations, especially the financial institutions such as the World Bank and IMF, have been very influential in the process of promoting governance reforms that decentralise planning and service delivery across the

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[40] Idem, p. 6.
[41] Bagnasco and Le Gales, 2000, p. 26.
[42] OECD, 1995, p. 8.
[43] Hambleton, 2002, p. 189.

developing world.[44] As a certain consensus already had been reached between these agencies and developing countries on the 'big issues' such as neo-liberal market reform and good governance,[45] the development discourse now moved to emphasising the importance of civil society participation and building partnerships. The World Bank Participation Sourcebook of 1996 is an early example of this focus, which emphasises the need of participatory approaches in Bank-supported operations.[46] In the Sourcebook participation is defined as "a process through which stakeholders influence and share control over development initiatives and the decisions and resources which affect them."[47] The Sourcebook builds on the work of the four-year Learning Group on Participatory Development and contains examples of participatory approaches used in Bank-supported operations to provide guidelines on participatory planning and decision-making. Since then, participatory poverty assessments (PPA) and Poverty Reduction Strategy Papers (PRSP) have been gradually institutionalized to reveal more about the dynamics and complexity of poverty and through which participation (of the poor) in development initiatives is promoted.

Thus, neo-liberals promote participation mainly for instrumental reasons and focus on the technical values of efficiency and effectiveness in resource distribution and allocation. The neoliberal position suggests a top-down process of local participatory development to support democratic stability and good governance. While the central notions of 'civil society,' 'participation,' and 'empowerment' in the neoliberal discourse are shared by the left-wing ideology, the technocratic conception of participatory processes is not. On the contrary, left-wing theorists put more emphasis on the egalitarian and social virtues of the participatory democratic system, which has the ability to channel struggles for social justice by including the poor and excluded. In the next section, I will elaborate on the background of left-wing theory and its reasons for promoting the adoption of participatory institutions.

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[44] Oldfield and Stokke, 2007, p. 141.
[45] Mercer, 2003, p. 752.
[46] World Bank, 1996.
[47] Ibid.

1.2 The Bottom-Up Struggles for Social Justice from the Left

The New Left, like the New Right, consists of more than one strand of political thought, including ideas inspired by republicans, anarchists and pluralist Marxist positions.[48] In a context of general inequality, be it socioeconomic as a result of market-oriented policies or political due to failing representation, democracy has to be strengthened through the introduction of participatory mechanisms. Participation in the political sphere will enable people, and especially the socially disadvantaged, to influence policies and decisions that directly affect their lives. The objective is not to replace the traditional representative framework, but to advance the existing representative institutions through the empowerment of citizens. The key is to render (previous excluded) citizens more skilled to make use of the current political mechanisms by improving their personal capabilities, a process that Fung and Wright have called 'empowered participatory governance'[49]. This approach involves linking bottom-up and top-down forms of governance to create mechanisms that are "participatory because they rely 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."[50]

Government, civil society and citizens themselves have an important role to play in this empowerment, which can be defined as "the process by which poor and disenfranchised men and women come to be critically aware of their socio-political and economic situation within their local (national or international) context."[51] Through this raised awareness, citizens will be able to actively change the current situation by articulating their social and political needs. Empowerment is thus closely linked to notions of participatory democracy.

Instead of dismantling the state through deregulation and privatisation of social services, the response to the representative crisis should focus on deepening democracy by expanding the scope and depth of citizen participation in public decision-making. These new opportunities for citizen engagement in priority setting and resource

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[48] Held, 2006, p. 209.
[49] Fung and Wright, 2003.
[50] Idem, p. 5.
[51] Mercer, 2003, p. 293.

allocation can be institutionalised through decentralisation reforms and/or through the introduction of new forms of democratic practice.

Seen from this perspective, participatory democracy is not an alternative, but a complement to representative democracy. As Dryzek argues:

"Democratisation is not the spread of liberal democracy to ever more corners of the world, but rather extensions along any one of three dimensions. The first is franchise, expansion of the number of people capable of participating effectively in collective decision. The second is scope, bringing more issues and areas of life potentially under democratic control. The third is the authenticity of the control: to be real rather than symbolic, involving the effective participation of autonomous and competent actors."[52]

Deepening of democracy occurs thus when participatory practices redistribute power to previously marginalized or disadvantaged groups, which gives them the authority to make binding decisions on a wider range of social and economic issues. However, the actual democratic impact of such political developments should not be taken for granted since several challenges have to be overcome in order to move further on any one of these three dimensions.

First of all, the creation of new channels of participation does not guarantee that previous excluded people will be able to effectively participate in them as these new mechanism require more time allocation and personal skills from its participants. For people who were already participating in the traditional democratic channels and institutions it will most probably be easier to make use of the new participatory methods.

People from higher social groups have in general more time to spare, more educational skills and more resources, which makes it more affordable for them to participate than for the lower strata of society. Consequently, specific measures should be taken for reaching out to marginalised social groups, such as the poor, women and youth, in order to overcome this problem of political inequality.[53] A solution could be to give incentives, by concentrating the focus of forums on questions of particular interest

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[52] Dryzek, 2000, p. 29.
[53] Abers, 2000, p. 121.

to poorer citizens.[54] Without such measures the relatively wealthier and better educated members of disadvantaged groups, referred to in Indian politics as the creamy layer,[55] would still be the ones benefitting most from the new opportunities. The democratic impact of participatory mechanisms thus partly depends on their inclusiveness and openness for every member of society.

Participatory democracy is not a synonym for direct democracy. Many participatory practices still use some form of representation, for example through nominated representatives form NGOs, by elected representatives from neighbourhood associations or by members of unions or social movements. Therefore, it is important to examine who and what is being represented and the role representatives can play in supporting inclusion of marginalised groups.[56]

Secondly, the scope of the issues that are discussed in the participatory sphere can be quite dissimilar for each experience. Most participatory mechanisms originate from top-down movements, where the public authority is thus free to decide upon the main lines of the new method. Thus, as Parkinson has noted, the public authority can organise deliberations on housing politics, building choices or painting preferences, which will all have very different effects. For example, when people are enabled to deliberate on housing policies, urban plans or development strategies, they will have a say in determining their future environment. If deliberations are organised around the topic of building preferences, the influence that can be exerted will be limited to a smaller area of a district, a street or a building. Even more specifically, people can be asked about their opinion on the colours of the walls of the new houses. This means that people are actually occupied with simple questions, while the more complex and most probably more controversial issues could be kept under the state monopoly.[57] The eventual democratic impact thus heavily depends on the choice of the theme deliberated in the process.

The third and final dimension concerns the link between deliberations and policy action. The quality of participation depends for a large part on the degree of power that
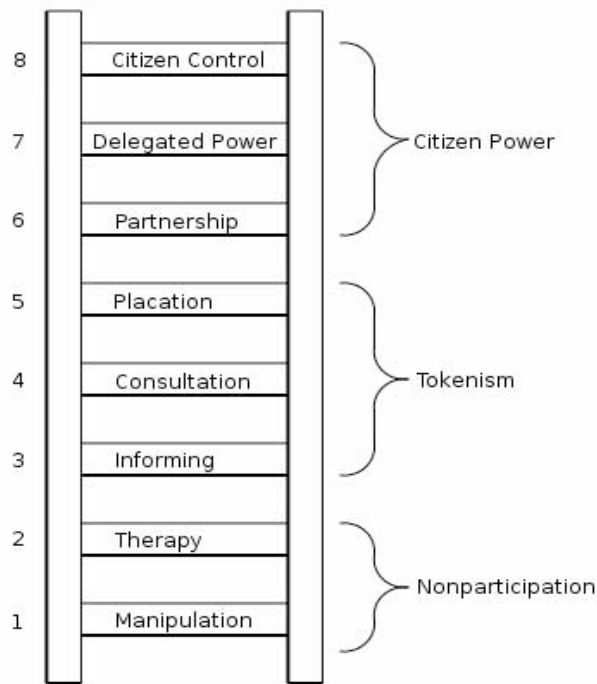
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[54] Fung, 2003.
[55] Chaudhury, 2004, p. 1989.
[56] Cornwall and Coelho, 2007, p. 14.
[57] Parkinson, 2004.

citizens obtain via the process. The most widely known model that categorises participatory methods according to the impact they have on traditional power relations, is the 'Ladder of citizen participation' of Arnstein.[58] As illustrated in Figure 1, the first stage of the ladder consist of non-participation practices, where participatory channels are actually established with the aim to enable power holders to educate citizens. The second level of the ladder includes practices that involve some degrees of dialogue between the public authority and citizens. However, they are forms of tokenism, which means that citizens do not yet have authentic decision-making power. The last and most ideal stage of citizen participation can be reached when citizens enjoy absolute control within decision- and policymaking.

Source: Arnstein, 1967

Partly as a result of the theoretical consensus on the need for more participatory democracy a wide range of new institutions have been introduced, from civic platforms, deliberative institutions and consultation mechanisms to citizens' juries, local

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[58] Arnstein, 1967.

assemblies and community development practices.[59] All these new mechanisms have a common objective: to broaden and deepen the traditional forms of political engagement through the facilitation of citizen participation in local political live.[60] The extent to which they reach this objective and their actual impact on the deepening of democracy, however, differs significantly.

In this work public participation will be assessed in the light of legitimacy as a relevant category to evaluate the actual impact on the quality of democracy in contemporary South Africa. In the next section, the concept of legitimacy will be defined and deconstructed in order to better understand the contribution legitimacy could make towards promoting the stability of the democratic system.

1.3 Securing the Stability of a Democratic System: The Concept of Legitimacy

In a democratic system the government derives its legitimacy from the popular perception that government abides by democratic principles and is accountable to its people.[61] To use Dahl's metaphor of a reservoir,[62] when the water, i.e. the belief that existing political institutions are the most appropriate ones, is starting to fall below a given level, it endangers the political legitimacy and stability of the system. By excluding the majority of the population from social, economic and political life, the apartheid regime was both nationally and internationally seen as an illegitimate system and apartheid was finally abolished in 1994. The new South African government established its legitimacy first of all by holding free and fair elections. However, as mentioned above, the appropriateness of the traditional forms of representative democracy, especially in the context of developing countries, is being questioned as well, due to a lack of responsiveness and accountability. When proposing an alternative, it is therefore important to discuss the question of legitimacy and how participation enhances legitimacy compared to the traditional decision-making processes. In turn, this

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[59] Papadopoulos and Warin, 2007.
[60] Lowndes, Pratchett and Stoker, 2001, p. 207.
[61] Charlton, 1986, p. 23.
[62] Dahl, 1971, p. 124.

determines the criteria for assessing the advantages and disadvantages of the system and its contribution to the democratisation process.

To better understand the concept of legitimacy, Scharpf has made a distinction between input- and output-oriented legitimacy.[63] Input legitimacy requires mechanisms or processes to link political decisions with citizens' preferences. In representative democracies the main mechanism to establish input legitimacy is the holding of regular, free, fair and competitive elections in which citizens can hold political decision-makers accountable by means of elections. Through elections citizens can express their interests, or in Rousseau's words the 'general will'[64], according to which the elected representatives should act.

Output legitimacy focuses on the effectiveness and efficiency of the policy-making process in the sense that government is able to effectively solve social problems and includes citizens preferences.[65] In representative democracies this is reached through setting standards and making policies that protect the liberty of citizens and maintain the minimum public goods (the rule of law, electoral politics, a social safety net, security). Democracy in this form is seen "as a means to protect citizens from their governors and from each other, and to ensure that a sound political structure is in place which can generate a skilled and accountable elite capable of making essential public decisions."[66] But partly as a result of the inefficiency of centralized states, participatory practices are advocated to promote effective governance and increase output legitimacy.

Neoliberal theorists see the merits of public participation especially in its ability to increase output legitimacy, while left-wing theorist focus more on an input-oriented concept of legitimacy. In the next two sections, I will elaborate on the reasons behind the relationships between right-wing theories and the output-oriented concept of legitimacy and left-wing thought and input legitimacy respectively.

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[63] Scharpf, 1999.
[64] Rousseau, 1986
[65] Scharpf, 1999, p. 6.
[66] Held, 2006, p. 231.

1.3.1 Public Participation as a Way of Effective Problem-Solving: The Output-Oriented Concept of Legitimacy

Neoliberal thinkers argue that the lack of legitimacy of governments in developing countries is mainly due to their poor governance, including high levels of corruption, the failure to deliver basic services and a lack of accountability. The democratic system is thus in need of the ability to effectively address these problems in order to increase output legitimacy.

The output-oriented concept of legitimacy is based on the assumption that public participation, and in general democratisation, leads to more substantive products, that is effective policies and standards. Thus, the responsiveness of the state towards citizens' concerns will render the state more effective, which can finally contribute to (sustainable) economic growth. However, this relationship between democratisation and economic growth has been much debated. Questions that have been raised concern the directness and causality of the relationship between democracy and civil and political rights on one side, and economic growth and the improved standards of living on the other. This debate about the advantages of democracy, for example compared to more authoritarian regimes, is often linked to the legitimacy of democracy as a political regime.

It is true that the direct link from democracy to development outcomes is historically ambiguous.[67] The existing evidence on the links between democracy and economic growth does not provide a clear-cut support of the idea that increased democracy causes growth.[68] Rivera-Batiz notices that, while studies from the 1980s found statistically significant effects of measures of political freedom and growth, later studies show that the established links between democracy and growth are a result of the connections between democracy and other determinants of growth, such as human capital.[69]

There is, however, empirical evidence showing that measures of the quality of governance are substantially higher in more democratic countries, which in turn raises

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[67] Cilliers, et al., 2011, p. 70.
[68] Rivera-Batiz, 2002, p. 2.
[69] Idem, p. 1.

economic growth.[70] It is accepted that, at least over considerable time, democratic institutions significantly improve 'developmental governance', including economic policy coherence, effectiveness of the public service and reduced corruption.[71]

Institutionalising stronger democratic governance means that actions of corrupt officials can be constrained. Reducing corruption, in turn, stimulates technological change and economic growth.[72] In fact there is a widely recognised relationship between governance in terms of the rule of law and absence of corruption to economic growth.

Transparency International is the global civil society organisation leading the fight against corruption by assessing the perceived levels of corruption in almost 200 countries. All countries are ranked accordingly in the Corruption Perceptions Index (CPI), their best known tool. The CPI shows that the relationship between GDP per capita and the level of corruption is even stronger than the long-term relationship between GDP per capita and democracy.[73]

Gyimah-Brempong has also studied the effects of corruption on economic growth and income distribution by using panel data from African countries and a dynamic panel estimator. He concludes that corruption impedes economic growth directly and indirectly through decreased investment in physical capital. More specifically, a unit increase in corruption reduces the growth rates of GDP and per capita income by between 0.75 and 0.9 percentage points and between 0.39 and 0.41 percentage points per year respectively.[74] Furthermore, the results indicate that increased corruption is positively correlated with (income) inequality. Next to undermining the rule of law, corruption has thus a range of negative effects on society, which can lead to distortions of the market and even to violations of human rights. In developing countries, corruption hurts the poor the most, because it decreases income growth and increases inequality as public officials misuse the resources intended for development for private gain.[75] This undermines a government's ability to provide basic

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[70] Ibid.
[71] Cilliers, et al., 2011, p. 70.
[72] Rivera-Batiz, 2002, p. 1.
[73] Cilliers, et al., 2011, p. 72.
[74] Kwabena Gyimah-Brempong, 2002, p. 1.
[75] Warren, 2006, p. 804.

services to its citizens, which undermines output legitimacy and finally impact on input legitimacy as well through increasing inequality and injustice within society.

Unfortunately, corruption is becoming more widespread in South Africa. The 2010 CPI assigned South Africa an index of 4.8, ranking it 54th out of 178 countries. This is barely above the level of the most part of other African countries that show indexes between 3.0 and 3.9, and it is well below the index of most countries in North-West Europe that score between 7.0 or 8.0 or even above.

Public participation could contribute to solving these problems by fostering good governance. From this perspective, the main reason for promoting and implementing participatory mechanisms is thus their perceived contribution to the effectiveness and efficiency of decision-making. Participation increases the effectiveness of political problem-solving, because "it can help to overcome problems of implementation by considering motives and by fostering willingness of policy addressees to comply as well as through the mobilization of the knowledge of those affected."[76] The legitimacy of public participation processes thus depends on its ability to foster effective governance through the integration of local knowledge to solve social problems, the reduction of resistance and the creation of support for policies.

Hereafter, I will assess whether public participation processes enhance the output legitimacy of the democratic system, by using three indicators, namely the South African transparency standards, the status of service delivery and the degree of satisfaction among citizens.

First of all, an important advantage of public participation is that it can contribute to increasing transparency and reducing corruption. Through participation in government processes, citizens will have the opportunity to acquire more information and to keep account of the spending of resources by the government. Citizens will get an insight in the financial matters of governments, because effective participation requires additional sources of information, which the traditional political institutions did not share with the public.[77] In turn, this will give public officials incentives to live up to the set norms and implement the requirements of rules and regulations, for example, in

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[76] Gbikpi and Grote, 2002, p. 23.
[77] Moynihan, 2007, p. 60.

regards to dissemination of information. Hence, participation can contribute to reducing corruption, which will increase the ability of the government to provide services in an efficient and equitable way. In turn, this will lead to an increase in trust among citizens in the effectiveness and sustainability of the delivered products and thus enhance the output legitimacy of the democratic system. If no particular effort is made to increase transparency, public participation will not be able to reach its full potential and thus have a limited effect on increasing legitimacy.[78]

Second, participation not only increases the amount of information on government processes available to citizens, but also provides information on citizens' preferences to the government.[79] Through the identification of priorities and the use of local knowledge, projects will better match the community needs and will be easier to implement as citizens have collectively decided on their priorities. Consequently, more public projects will be implemented that serve the common good and conform to criteria of distributive justice, as the most needy will be served first in an ideal situation. The degree of service delivery serves thus as the second indicator for assessing the success of participatory budgeting in increasing the output legitimacy of the democratic system.

The satisfaction of citizens with the provided services is the third and final aspect of participation, which could contribute to increasing output legitimacy. As citizens are the beneficiaries, or in neo-liberal terms the 'customers', of services, they have certain expectations about the type, amount and quality of the services that will be delivered. Public participation can serve as a channel to express their choices and finally their views on the quality of what they actually received. When citizens perceive that performance has improved or is at least satisfying, their believe in the appropriateness of the system, and thus the output legitimacy, will be enhanced.

Together these indicators form a comprehensive framework to assess the impact of public participation on output legitimacy, because this depends largely on the perceptions of citizens about the effectiveness of policy-making in the sense that

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[78] Cabannes, 2004.
[79] Moynihan, 2007, p. 60.

policies serve the common good and conform to criteria of distributive justice.[80] A government that adheres to high transparency standards and is able to efficiently implement sustainable projects, of which the amount and quality satisfies expectations, will gain acceptance of its citizens.

1.3.2 Public Participation as a Way to Create Equal Opportunities: The Input-Oriented Concept of Legitimacy

However, by making political problem-solving more effective through citizen involvement, the issues of including all citizens' voices and being accountable to them are not yet solved. Therefore, left-wing theorists put more emphasis on an input-oriented concept of legitimacy. This means that public participation processes derive democratic legitimacy from authentic participation and governance 'by the people'.[81] By creating opportunities for citizens to participate in political decision-making, citizenship will be expanded and those who would otherwise be excluded from socioeconomic and political affairs will become empowered by having the right to a say in decisions that affect their future and an opportunity to influence it.[82] Ideally, collective decisions are then the outcomes of authentic deliberation, which Chambers defines "debate and discussion aimed at producing reasonable, well-informed opinions in which participants are willing to revise preferences in light of discussion, new information, and claims made by fellow participants."[83]

The main principle is that participation in deliberative structures is free from coercion, is meaningful, and is an expression of the autonomy of the participants, while taking new information and other opinions into consideration. Next to institutionalising deliberative forums where citizens can express their concerns and rationally debate about them, there need to be mechanisms to ensure the responsiveness of political power to these concerns.[84] As a result political officials will have to justify their actions,

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[80] Scharpf, 1999.
[81] Ibid.
[82] Moynihan, 2007, p. 60.
[83] Chambers, 2003, p. 309.
[84] Steffek and Nanz, 2007, p. 5.

decisions and policies and be obliged to report, explain and be answerable for resulting consequences. In other words, the degree of accountability will increase.

Moreover, participation can fulfil an educative role and function as "citizenship schools."[85] Through participation citizens are expected to become more conscious of their rights, duties and the general practices of governance. By taking a more active role in decision-making processes, citizens will be able to influence their future surroundings, while at the same time develop their capacity to act as citizens. As a result of this educative function of participatory democracy, Pateman characterizes this model as "one where maximum input (participation) is required and where output includes not just policies (decisions) but also the development of the social and political capacities of each individual, so that there is "feedback" from output to input."[86] Participation is thus both a means to the end of reaching decisions through fair processes and an end in itself, because it creates social and political conscious citizens. Governments and civil society can play an important role in helping to develop and nurture the democratic and technical capacities of citizens.

Next to these benefits to individuals, public participation is thus expected to contribute to democratic legitimacy and a deliberative political culture of society as a whole.[87] This understanding refers to the input-oriented concept of legitimacy, because it focuses on the way in which participatory structures include those who are affected by collectively binding decisions to have a say in the decision-making process. Moreover, emphasis is put on deliberative processes. Therefore, to assess the impact of public participation on input legitimacy it is important to look at who participates, with what, about what and how all this takes place. Three different indicators will be evaluated, namely the number of (marginalized) people that participate, the way they are represented (by civil society organisation) and the forms through which participation takes place.

Firstly, as public participation is meant to empower all citizens, it is important to look at the way in which the process responds to marginalisation. Due to a lack of connections, information, skills and resources, poor people are often not able to take

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[85] Wampler, 2000.
[86] Pateman, 1970, p. 24.
[87] Habermas, 1996.

advantage of new economic and political opportunities. A best-case scenario would therefore introduce a kind of affirmative action to permit greater participation of the poor, women, young people, disabled people and other discriminated or vulnerable groups. Without such measures the risk exists of empowering only a few and creating a new elite, while leaving the situation of exclusion and inequality largely unchanged. If participatory mechanisms or procedures do not create equal opportunities for everyone it would negatively impact input legitimacy.

Next to this increase in opportunity for citizen participation, there exists a broader process of 'reconfiguration of political representation'[88] in which civil society organisations play a central role. In order to assess the fairness of the process, it is therefore important to take into account who civil society organisations represent when they act as representatives in decision-making processes. Civil society consists of a wide range of voluntary associations, including NGOs, academic institutions, labour unions, social movements and community-based organisations.[89] The majority of civil society organisations do not establish their representatives through traditional accountability mechanisms, such as elections or being member-based. Instead, their representativeness is dependent on the way in which they represent the interests of different people and, in the context of public participation, those of the marginalised in particular. When civil society organisations promote the empowerment of the poor and address inequalities by including their interests in the decision-making process, input legitimacy can be increased.

The third and last indicator focuses on the forms of participation as this indicates the directness of the process. The most direct form of public participation is when all citizens have the right to participate directly in issue- and geographically based deliberative assemblies and have the right to vote for and/or be elected as delegates or council members.[90] In this way, citizens have the power to deliberate and decide on public issues themselves. As mentioned above, participation can also be institutionalised in a more representative form, where citizens are represented through their leaders, but do not directly control the process. Although these leaders are closer to

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[88] Coelho, et al., 2007, p. 115.
[89] Scholte, 2001, p. 6.
[90] Cabannes, 2004, p. 28.

the people they represent, the possible deficits of this form are similar to those found in representative constellations at the national level. Participation could then be reduced to consultation on the planning of a part, or the whole, of public spending or in an even more limited form to the expression of demands. It is thus important to assess whether citizens have only consultative or real deliberative power in the participatory process, because this will determine the potential contribution to input legitimacy.

The assessment of these three indicators will give a clear picture of the state and quality of participatory processes and its impact on input legitimacy. Input legitimacy of the democratic system will be increased when public participation enables citizens, or their representatives, to involve fairly in participatory structures and deliberative processes.

1.4 Concluding Remarks

This chapter has elaborated on the theoretic framework to situate public participation in the broader academic debate. A broad consensus has been reached between right- and left-wing theorists on the need to reform representative democracies, which are often unresponsive to their citizens' needs, through the implementation of participatory institutions. In general, neoliberals suggest a top-down process of local participatory development, which often has the effect of 'rolling back' the state by transforming the relations between the state, the market and civil society. In contrast, left-wing theorists focus on the potential of participatory processes to channel bottom-up struggles for social transformation to counter hegemonic processes of globalization. In turn, these differences have led to a range of different designs and objectives of participatory projects. In the next chapter, I will describe some examples of successful cases and look at the potential of the South African case to successfully implement participatory practices.

2. Public Participation in Practice

The aim of this chapter is to illustrate the potential of public participation by briefly describing two successful cases, namely the Indian state of Kerala and the Brazilian city of Porto Alegre. These cases are analysed in a lot of leading studies on participatory governance, such as Santos and Fung and Wright.[91] The success of those cases is dependent on many factors, such as enabling conditions, fundamental pre-requisites and design principles. The right combination of these conditions leads to 'success' stories in participatory local governance, but unfortunately these contexts and conditions are not widely found elsewhere. Therefore, I will assess to what extent South Africa shares these principles to obtain a deeper insight in the impact public participation potentially has on increasing legitimacy of the democratic system in contemporary South Africa.

2.1 The Key(s) to Success: Examples from India and Brazil

The two cases described here are quite dissimilar in design, which implies that there does not exist a blueprint to success. The Kerala model of a people's campaign for decentralised planning, for example, is a project that aims at "local level development by mobilizing both people and resources."[92] Local self-government and decentralized planning were imposed by amendments in India's constitution in 1992. Like other states, Kerala passed the corresponding legislation and held local elections in the three tiers of panchayats at the village, block and district level.[93] The difference in social indicators of development compared to the rest of India, such as high life expectancy and literacy rates and low infant mortality rates, is contended to be the result of citizen participation.[94] The Communist Party of India (CPM) was the main driver behind institutionalizing participatory structures and allocated 35 to 40% of its annual budget for new development plans to projects designed by local bodies themselves.[95]

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[91] Santos 2005; Fung and Wright, 2003.
[92] Heller, 2001, p. 141.
[93] Veron, 2001, p. 606.
[94] Heller, 2001, p. 153.
[95] Veron, 2001, p. 606.

A second successful case, which is widely written about, is the case of participatory budgeting in Porto Alegre, Brazil. The programme was introduced in 1989 after an mayoral electoral victory of the progressive Workers' Party in Porto Alegre, the capital of Rio Grande do Sul. The main objective of the Party was to democratise Brazil as politics previously had been dominated by traditional patronage practices, social exclusion and corruption.[96] The introduction of participatory budgeting enabled the poorer citizens and neighbourhoods to receive larger shares of public spending, which created a positive democratic impact. Next to determining the annual municipal budget through a system of forums, citizens and their representatives are also capable of implementing the outcomes of their deliberations, which links discussions to genuine power. Goldfrank summarises the key characteristics of participatory budgeting in its successful form as "a process that is open to any citizen who wants to participate, combines direct and representative democracy, involves deliberation (not merely consultation), redistributes resources toward the poor, and is self-regulating, such that participants help define the rules governing the process, including the criteria by which resources are allocated."[97] Participatory budgeting is thus a mechanism through which citizens have a say in government processes and have control over both the stages of policy determination and implementation.

Up to 2005, participatory budgeting projects had been implemented in more than 300 municipalities worldwide,[98] although with wide variation in the actual design and implementation. The minimal institutional arrangements consist of sub-municipal assemblies of ordinary citizens, where they discuss and prioritize budget demands, which are integrated into the budget by directly elected delegates. Wampler argues that "one of the reasons why participatory budgeting is transferable to other locations, especially in the developing countries, is that clientelism and social exclusion are everyday realities in many parts of the developing world."[99] In Africa, Participatory budgeting initiatives have been introduced in a total of 15 countries, including Senegal,

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[96] Wampler, 2000, p. 23.
[97] Goldfrank, 2007, p. 92.
[98] Wampler and Avritzer, 2005.
[99] Wampler, 2007, p. 23.

Mali, Benin, Cameroon, Uganda and Tanzania.[100] However, many of these projects are not living up to its ideal, due to "a closed-door budget process, weak accounting and reporting systems, ineffective audits and exclusion of civil society from dialogue."[101] Moreover, they have often not been able to achieve genuine and significant reductions in poverty, because money does not reach the targeted beneficiaries or resources are not spent in the most efficient way.

Thus, it is not evident that these projects will be successful everywhere in combating problems of bad governance and social exclusion, because it depends for a large part on local socioeconomic and political conditions. In order to assess the state of participatory democracy, it is therefore important to look at these conditions in the context of South Africa.

2.2 The Potential for Success of the South African case

In 1994, after almost 50 years of apartheid, the newly elected African National Congress (ANC) government was faced with a society characterised by extreme inequality and large-scale exclusion. The preceding negotiations between the National Party, the ANC and a wide range of other political organisations had led to a peaceful transition towards a democracy with strong commitments to build "democratic developmental local government."[102] After the struggle for freedom and liberation, the ANC was committed to a decentralised and participatory form of governance in order to "achieve the expansion of social citizenship through the inclusion of all the country's people in its social, economic and political life."[103]According to Heller, South Africa shares three enabling conditions with the two previous cases, namely a strong central state capacity; a well developed civil society and an organised political force, such as a party, with strong social movement characteristics.[104]

First of all, South Africa had a strong central state capacity with well-developed administrative and bureaucratic structures, inherited from the old apartheid regime. On

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[100] UN Habitat, 2008, p. 39.
[101] Idem, p. 1.
[102] Heller, 2001, p. 134.
[103] Buhlungu, 2005, p. 39.
[104] Heller, 2001.

one side this has been an advantage, because decentralisation reforms need to be well coordinated to establish an effective division of tasks between the different levels of government and to regulate standards of transparency, accountability and representation. On the other side, it has proven to be a very difficult task to transform the "state apparatuses that were singularly dedicated to enforcing racial segregation through control, surveillance, repression and "orderly" development"[105] in institutions dealing with "social transformation and economic redistribution through consultation and inclusion."[106] In other words, compared to other developing countries, the South African state had the capacity to successfully implement government reforms, but the specific history of racial segregation impeded its ability to distribute power and resources in a fair way.

Second, public participation requires a well-developed civil society to build democracy from the bottom-up by channelling citizens' needs and providing information and feedback. South Africa has a long tradition of organised liberation and prodemocracy movements, the United Democratic Front (UDF) being one of the most important in the last decade of apartheid. The UDF was established in 1983 as a non-racial coalition of civic, church, students', workers' and other organisations. Especially the labour movements, such as the Congress of South African Trade Unions (COSATU), contributed to improving the organisational skills of its members that are essential for running a democratic organisation. As a result of the hostility of employers and the state towards organised trade unions, their leaders were continuously harassed and even detained. To ensure the durability of the organisation, it was therefore necessary to put the decision-making structures and general functioning under its workers' control.[107] At the local level, township-based civic movements were generally effective in encouraging mass participation and were even providing for a range of community services.[108] Moreover, traditional African village assemblies, *imbizos,* where members of the village gather to discuss issues that affect them, usually presided

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[105] Idem, p. 143.
[106] Ibid.
[107] Buhlungu, 2005, p. 47.
[108] Heller, 2001, p. 143.

over by the chief, contributed to a culture of debate and consensual decision-making.[109] Thus, when South Africa started its democratisation process it had a rich associational life with the ability to built democracy from the grassroots.

Third, the ANC can be characterised as an organised left-wing political force with strong social movement characteristics. The party was founded in 1912 to increase the rights of the black South African population and became a mass movement of resistance to apartheid in the 1950s. The in 1955 adopted Freedom Charter initiated the notion of establishing "democratic organs of self-government" with its radical phrase: "The People Shall Govern!"[110] During the height of the liberation struggle the party was banned. So, after 30 years of imprisonment, exile and underground operation, the ANC had to re-establish itself as a mass-based political party for the 1994 elections.[111] In its tripartite alliance with COSATU and the South African Communist Party (SACP), the ANC embraced a radical democratic discourse and a redistributive transformative program. This union-initiated Reconstruction and Development Program (RDP) was aimed at reducing the immense socioeconomic inequalities and promoting development through poverty alleviation and building a stronger economy. The policy had both socialist and neo-liberal elements as it attempted to combine growth-led development and free-trade arrangements with social service provision and infrastructural projects.

Since 1996, however, the government has adopted a predominantly neoliberal strategy of economic development, which has been demonstrated with the introduction of the Growth, Employment, and Redistribution (GEAR) program. Combined with Black Economic Empowerment (BEE), this was supposed to achieve sustainable economic growth and redress the inequalities of apartheid by giving previously disadvantaged groups economic opportunities through affirmative action. So far, results have been mixed as these programs have helped a relatively small group of black people, creating a new elite. As a result, the state has adopted a Broad-Based BEE (BBBEE) with the aim to address Black Empowerment beyond enriching a few.

In the post-apartheid era, the democratically elected government set itself the task to move forward by focusing on both the empowerment of previously

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[109] Buhlungu, 2005, p. 52.
[110] Freedom Charter, 1955.
[111] Buhlungu, 2005, p. 57.

discriminated groups, as well as the creation of a more responsive and effective state, which would be able to deliver much needed public services. Therefore, it is interesting to assess to what extent these objectives are achieved and in which way public participation has had an impact on democratic deepening by increasing legitimacy. In the next section I will describe the institutional and legal framework in which public participation is embedded in order to get an insight in the formality of the participatory processes, its institutionalisation and its self-regulating capacities.

2.3 The Formalisation of Local Participatory Governance in South Africa

The radical notion of governance 'by the people', as envisioned in the Freedom Charter of 1955, is partly enshrined in the South African constitution of 1996. South Africa's constitutional democracy is both representative and participatory in its nature. The representative aspect embraces multi-party democracy, achieved through regular elections based on universal suffrage and proportional representation; the participatory aspects guarantees citizen involvement in public life in between regular elections every five years. These two aspects should not be seen as conflicting with, but complementary to each other.[112] The constitution guarantees the right to vote[113] and further specifies that the elected National Assembly must ensure "government by the people under the Constitution […] by providing a national forum for public consideration of issues."[114]

The post-apartheid government adopted a development-oriented system of governance, which can be defined as "an institutional environment in which government creates the types of relationships with outside stakeholders that encourage those stakeholders to launch and sustain developmental initiatives."[115] This statement indicates that developmental governance puts great emphasis on involving stakeholders in participatory processes, but at the same time these processes are strongly driven and coordinated by government.

At the local level, the post-apartheid government reformed the local government system in order to be able to better serve local communities. Instead of being merely an

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[112] Nyati, 2008, p. 102.
[113] Constitution of the Republic of South Africa, 1996, sec. 19 (2).
[114] Idem, sec. 42 (3).
[115] Atkinson, 2002, p. 2.

implementation instrument of national government, as it was during the apartheid era, local government was positioned as an autonomous sphere of authority. The Constitution institutionalises local government as a "distinctive, interdependent and inter-related"[116] tier of government, autonomous from the provincial and national spheres. Because of its proximity to the people, the local sphere is the final conduit for the delivery of public services. As stipulated in Section 153 of the Constitution, a municipality must "structure and manage its administration, budget and planning processes to give priority to the basic needs of the community."[117] However, the principle of cooperative governance, where the three spheres of government (i.e. National, Provincial and Local) are interdependent and share various functions and roles, makes it difficult to assess the performance of one specific sphere of government.

Furthermore, local municipalities are divided into three categories. Category A (metropolitan) municipalities represent large densely urbanised regions, which encompass multiple cities. These municipalities have exclusive executive and legislative powers over their own area of jurisdiction and responsibilities include water provision, electricity, local roads, environment and safety and refuse removal. In primarily rural areas, local government is divided into district (category C) municipalities and local (category B) municipalities. The local municipalities are subdivisions of district municipalities and share their executive and legislative authority with the district municipality under which they fall.[118]

The tasks, duties and responsibilities of these newly created municipalities were laid down in a number of documents, including the Constitution (1996), the White Paper on Local Government (1998), the Municipal Structures Act (1998) and the Municipal Systems Act (2000). One of the main principles underlying these documents is that municipalities have to consult its citizens on public affairs and do this in a meaningful manner.

The White Paper on Local Government proposes a system of developmental local government that is service and citizen oriented and allows for civic inputs from all South Africans. On one side, this was meant to counterbalance the legacy of the

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[116] Constitution of the Republic of South Africa, 1996, sec. 40(1).
[117] Idem, sec. 153.
[118] Idem, sec. 155 (1).

apartheid regime, which denied the majority of people the opportunity to engage and interact with government. On the other side, the transformation to developmental government was meant to involve citizens and groups within the community in government processes in order "to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives."[119] Two specific mechanisms were proposed to institutionalise public participation in government processes, namely the ward committee structure and the Integrated Development Plan (IDP).

Firstly, a ward committee is a community elected area-based committee within local and metropolitan municipalities, which has to act as a mediator between citizens and the municipal council. The Municipal Structures Act creates the possibility for municipalities to establish ward committees to promote participatory democracy. While certain guidelines are established, the legislation does not exactly delineate the powers and functions of ward committees and leaves the precise formulation up to municipalities. Municipalities may delegate duties and powers to ward committees, but a ward committee may never replace or substitute formal structures of government. A ward committee consists of a maximum of 10 elected committee members, chaired by a councillor who also represents the ward in the municipal council.[120] By empowering citizens in knowing their rights and encouraging them to participate, the ward committees allow communities to have a voice in the functioning of the municipality. Ward committees have the task to submit the demands of citizens to the municipal council, monitor council performance and report back to citizens on the final decisions made. While providing a participatory platform, ward committees remain for the most part advisory committees, which make recommendations to the municipal council without having any real decision-making power.

Second, the Municipal Systems Act proposes to establish the IDP process in an attempt to reform municipal planning into a participatory process and to break free from the traditional planning, which was characterized by a very technical top-down

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[119] White Paper on Local Government, 1998, p. 23.
[120] Municipal Councils thus consist of ward councillors, representing wards, and proportional representation councillors, representing different political parties. The amount of councillors depends on the type of municipality, as Category A municipalities, for example, can have 270 councillors, while Category B municipalities can have a maximum of 90 councillors.

approach to realise apartheid segregation policies. The IDP is a strategic development plan for a five-year period, which tries to integrate all sectors and is aimed at eradicating poverty.[121] In the IDP process citizen participation is compulsory and has to be inclusive of previously marginalised groups, such as women and people living with disabilities.[122] Yet, this has proven to be a very difficult requirement to meet, often due to capacity constraints and power imbalances within the community. All municipal activities and yearly budgets have to be in alignment with the IDP.

The Constitution and the supporting Municipal Acts emphasise the need for effective local government through the inclusion of citizens in all spheres. However, the processes in which they are involved remain for the most part consultative. Ward committees can give voice to citizens' concerns and channel them into the decision-making process, and at the same time make these internal decision-making processes more transparent to the wider public and provide feedback. Yet, citizens do not have the opportunity to exert direct influence over the decisions made. Moreover, the ward committees and IDP process have gained a lot in terms of legal formality, but in turn lost some of their flexibility and citizen dynamics.

2.4 Concluding Remarks

What we can conclude at the end of this chapter from the two successful cases of Kerala and Porto Alegre, is that the right combination of factors can lead to effective and inclusive participatory processes. The balance between state institutions, organised political forces and social movements is however so delicate that participatory projects are difficult to replicate. There is no blueprint for successful participation that can easily be transferred to other places, but it has to be a continuous process of learning and feedback. South Africa is an interesting case to assess in this context, because it shares three enabling conditions for participatory governance with two well-known cases, while less has been written about the South African case. In the next chapter, I will evaluate the 'success', here understood as the impact on democratic deepening by increasing legitimacy, of public participation in South Africa.

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[121] Local Government Municipal System Act, 2000
[122] Idem, sec. 17(2).

3. The Case of South Africa: Genuine Participation or an Exercise in Window-Dressing?

In this chapter, I will evaluate the South African case of public participation in the light of legitimacy on the base of the indicators I outlined in the theoretic framework (Chapter 1). To illustrate the general case, I will use examples from Ethekwini Metropolitan Municipality and Impendle Local Municipality, both situated in the province of KwaZulu-Natal.

3.1 The contribution of Public Participation to Output Legitimacy

The contribution of public participation to effective decision-making will be evaluated on the base of the three indicators elaborated in chapter 1, namely the level of transparency standards, the amount of implemented projects and the degree of satisfaction among citizens.

3.1.1 A Lack of Transparency

Recently, South Africa has been ranked number one in the Open Budget Index (2010). This index is based on the open budget survey undertaken by the Independent Budget Partnership (IBP), which measures budget transparency and accountability around the world in 94 countries. The survey questions are based on criteria developed by the International Monetary Fund (IMF) in its Code of Good Practices on Fiscal Transparency, the Organization for Economic Cooperation and Development (OECD) in its Best Practices for Budget Transparency, and the International Organization of Supreme Audit Institutions (INTOSAI) in its Lima Declaration of Guidelines on Auditing Precepts. The fact that South Africa scores better then developed countries is quite remarkable, because in a very short time a lot of improvements have been made concerning the consistency and transparency of the documentation, something that was completely lacking prior to 1994.

The survey assesses the availability of eight different budget documents, as well as the comprehensiveness of the content of these documents. South Africa is, for

example, one of the few countries that issues a Citizens Budget, which gives the public the opportunity to understand government's plans through a nontechnical presentation of the budget. The survey also examines the extent of effective oversight by legislatures and supreme audit institutions, as well as the opportunities available to the public to participate in national budget decision-making processes. South Africa scores high on all these indicators and the National Treasury is accordingly praised for overseeing the world's most "transparent, participatory, and accountable"[123] budget process.

However, participation takes mainly place at the local level. So for public participation to be successful municipal budgets need to be transparent, participatory and accountable as well. Regulations concerning municipal fiscal and financial management are enshrined in the Municipal Finance Management Act (2003). This Act sets requirements for the efficient and effective management of fiscal and financial affairs and defines the responsibilities for political officers (mayor and councillors), civil servants (accounting officer and the chief financial officer[124]) and the province and national governments. Moreover, community participation is promoted by the requirement that immediately after the annual budget is tabled, the local community must be invited to submit comments on budget provisions, which should be considered by the municipal council.[125] When the budget is approved, it must be made public and placed on the municipality's website.[126]

While the last requirement is almost always met, many municipalities show a lack of basic internal control compliance, a lack of capacity and a general non-compliance with governing legislation, according to a report of the Auditor General to Parliament.[127] The report states that of the 247 out of 238 municipalities that completed municipal audits only two received an unqualified opinion without any further concerns raised. A common deficiency was the lack of capacity and skill shortage of inexperienced staff in critical accounting positions, which forces municipalities to contract consultants who charge excessive fees. Furthermore, many municipalities were

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[123] IBP, 2010.
[124] See Municipal Finance Management Act, 2003, sec. 60, 62, 69 and 77.
[125] Municipal Finance Management Act, 2003, sec. 22 and 23.
[126] Idem, sec. 75.
[127] Fair Share, 2008, p. 1.

unable to provide the necessary contracts and agreements for services and goods for auditing purposes in some cases, like Potchefstroom Local Municipality, up to the amount of R13 million.[128]

This lack of respect for the rule of law in the management of local government is reflected in citizens' opinions as well. From the respondents participating in a citizen satisfaction survey conducted by Idasa, 46% thought that local government staff and councillors "benefited privately in a dishonest manner from resources intended for service delivery."[129] According to these citizens, the most common forms of self-enrichment were corrupt tenders, nepotism and favouritism. Research in the two provinces of KwaZulu-Natal and Gauteng point to the fact that clients of public services, such as health, police and home affairs, believe that between 15% and 30% of public officials in these locations are corrupt and 10% indicated that public officials expect some form of extra payment for services rendered. Public officials themselves perceived clients to be corrupt in a sense of constantly seeking "back-door" solutions to their problems. The trust within departments is very low as well, because interviewed managers claimed that 75% of staff is untrustworthy and involved in low-level corruption in the form of bribery.[130]

So far, the greater access for citizens to government information, including budgets, has thus not led to more trust in the system. Although existing formal legislative frameworks that promote transparency, accountability and participation work rather well on national level, implementation at local level needs strengthening. While the legislation compels municipalities to engage into public participation processes, many still continue to approve critical processes such as the budget without proper community involvement. Yet, there are important opportunities for civil society organisations to engage municipalities to comply with the financial standards and recommendations. Next to fulfilling a role as watchdog, civil society has the ability to mobilise public opinion for or against local government policies and practices, which is crucial in building a culture of participation. At the moment, partly due to the fact that there is little community participation, the system lacks results and municipalities are
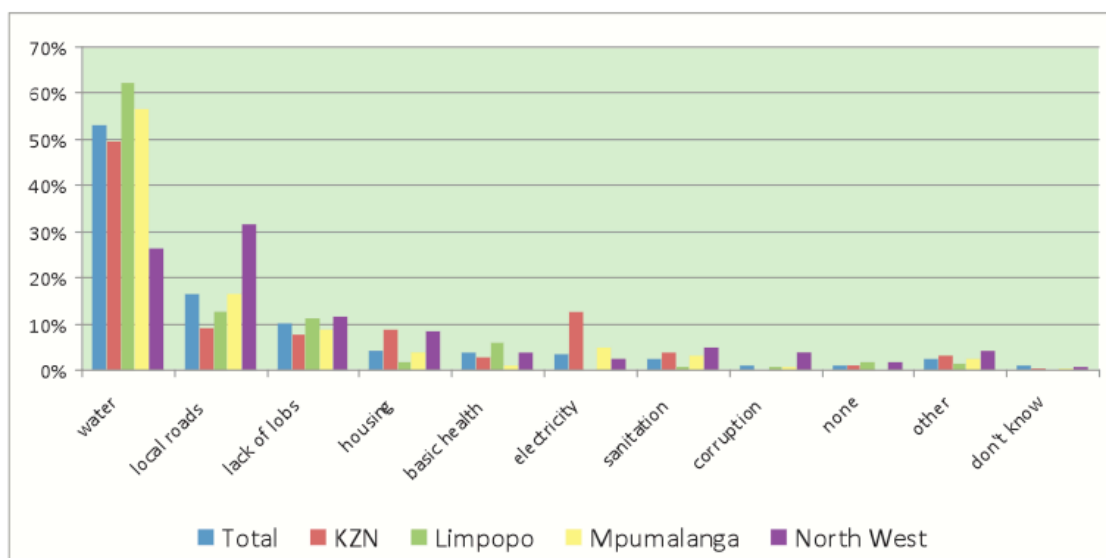
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[128] Idem, p. 3.
[129] Van Hoof, 2011, p. 47.
[130] Department of Public Service and Administration, 2003, p. 3.

not effectively delivering on their mandate, which does not increase and maybe in time even reduce the output legitimacy of the system.

3.1.2 Increased Service Delivery

The main aim of the post-apartheid government was to improve the living conditions of its population by providing access to and improving the quality of basic services. To address the immense socioeconomic inequalities brought about by the policies of the old apartheid regime, the ANC initiated several intervention programmes, such as the Reconstruction and Development Programme (RDP). Next to the improvement of service delivery, the programmes also aimed to include civic inputs to ensure that the most urgent problems, as identified by citizens, would be addressed. In 2006 water provision, local roads and the lack of jobs, respectively, were mentioned as the most important problems in the respondents' wards. In the 21 municipalities that were included in the citizen satisfaction survey the outcomes have been more or less the same, as shown in figure 2.

Figure 2. Problems considered to be the most urgent in the respondent's wards in 2006

Source: Idasa, 2011

As mentioned earlier, South African municipalities play a key role in the implementation of programmes aimed at improving the living conditions of the population. *The Community Survey 2007: Statistical Release Basic Results Municipalities* provides insights into the progress that has been made by municipalities in the delivery of basic services since the Census of 2001. To start with the most urgent problem, the proportion of households with access to piped water has risen from 80,7% in 2001 to 86% in 2007.[131] Moreover, according to government policy piped water has to be easily accessible, which means that is has to be within 200 metres. In four provinces (KwaZulu-Natal, Limpopo, Mpumalanga and North West Province), this was the case for 63,4% of the households in 2001 and increased to 66,3% in 2007.[132] In general, access to water has increased, but is by no means universal yet.

Although South Africa has a well-developed and maintained network of roads serving the industrial parts of its economy, especially if compared with neighbouring countries, citizens have identified local roads as the second most urgent problem. This can be partly explained by the fact that rural areas in particular have historically been underserved with paved roads and regular road maintenance. As a result of this history, many rural local governments are still deprived and underdeveloped and their capacity to deliver high quality roads is limited. For example, when we look at Impendle Local Municipality, a large rural area in the province of KwaZulu-Natal, only 16 km of the 1500 km road network is all-weather road, which amounts to just over 1%.[133] This means that the majority of roads are in bad condition and that even main roads become impassable in wet weather. This is a major impediment for local economic life and transport.

The Expanded Public Works Programme aims to address deficits in road construction and other basic amenities, while at the same time it tries to address the third problem indicated by citizens, namely a lack of jobs. This and other programmes are initiated to provide "poverty and income relief through temporary work for the unemployed to carry out socially useful activities."[134] Currently, 24% of South Africans

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[131] Community Survey, 2007.
[132] Ibid.
[133] Bailey, 2011, p. 74.
[134] See http://www.epwp.gov.za/

are unemployed.[135] Although this is still very high, it has been decreasing again since the early 2000s when the unemployment rate was more than 30%.[136] Yet, these are national averages, which means that when we look at the example of Impendle again, this rate is as high as 60% of the population.[137]

Other improvements have been made with regards to housing as the amount of people living in informal dwellings in 2007 decreased with 2% compared to 2001. Moreover, there has been an increase in the percentage of households provided with electricity (for lighting from 69,7% to 80%, for cooking from 51,4% to 66,5% and for heating from 49% to 58,8%) between the Census of 2001 and the Community Survey of 2007.[138] Sanitation facilities have improved as well, partly as a result of an increase in the use of pit latrines and a decrease in the use of bucket toilets and the percentage of households that had no toilet facility.[139] In general, this data shows an improved picture compared to the situation in 2001. While overall service delivery has somewhat improved, the expected level of universal access to all basic services is by far not achieved.

This situation is reflected in citizens' perceptions, because the most urgent problems that need to be addressed are still the same. In 2010, water provision, local roads and a lack of jobs were still mentioned as the most important issues.[140] While local governments have continued their efforts to increase access to basic services, the situation has thus not changed much over the last four years according to interviewed citizens.[141] It is difficult to say if the improvement in the delivery of services has been a direct result of more participation in decision-making processes as citizens' needs could be better addressed and local knowledge could be used in the implementation process. However, the fact that the priority list has remained the same indicates that the major problems did not receive enough attention by the local government. It is important to note that this lack of perceived results can have a negative influence on the trust of

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[135] Statistics South Africa, 2010.
[136] Cilliers, et al., 2011, p. 71.
[137] Bailey, 2011, p. 74.
[138] Community Survey, 2007.
[139] See Community Survey, 2007, pp. 28-31.
[140] Van Hoof, et al., 2011, p. 21.
[141] Ibid.

citizens towards participatory processes, which is possibly irreversible and will reduce output legitimacy of the system.

3.1.3 Dissatisfaction among South African Citizens

Although the previous section indicated an increased access to basic services, South African citizens are generally not satisfied with the amount and the quality of services provided by the municipalities. Since 2006, the number of people satisfied with the delivered services decreased form four to only one in ten at present.[142]

This is partly the result of the widening gap between what people expect and what government is realistically able to deliver. On one side, local government has to deal with demographic changes, such as population growth and international and national migration, which put constraints on its capacity to deliver services to all citizens. On the other side, citizens expect the government to do more than before, because some politicians make unrealistic promises, which raises the expectations regarding services to unrealistically high levels.[143] For this reason, people feel deprived of their right to have access to (free) basic services.

Next to this absolute deprivation, (perceived) inequality among the South African population adds to the dissatisfaction. Relative deprivation exists within and between communities as some receive support and services while others have to keep waiting. Especially communities that were forced to live in underserved rural areas under apartheid expected to benefit most from the transition to developmental democracy. However, these rural local governments (mostly category B municipalities) often remain deprived and underdeveloped and unable to satisfy the basic needs of their population, like water, electricity, housing and refuse collection services.

Public participation mechanisms could serve as the channel for expressing this dissatisfaction. Unfortunately, the structures (such as ward committees) and processes (such as the integrated development planning) set in place by local government legislation to express dissent seem to be largely inadequate as they fail to include all citizens' voices and be responsive to them. Recently, communities who feel that they

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[142] Idem, p. 53.
[143] Ibid.

are not being heard have increasingly started to interact and raise grievances with local leadership in a different manner, namely through community protests. Some of these protests in municipalities have been accompanied by public violence, which has captured the attention of both policy makers and the media.[144]

Since the local government elections in 2006 the number of social protest in various municipalities has increased rapidly. It is estimated that fifteen protests were being held per day somewhere in South Africa.[145] For example, residents from the township Siyathmeba in the Dipaseleng Local Municipality (province of Mpumalanga) protested to show their dissatisfaction with issues of unemployment, deteriorating infrastructure and unresponsive and unaccountable ward councillors. In February 2010, this resulted in violent uprisings and the burning of the public library and the municipal office.[146] The frustration of community members is commonly the result of government's unresponsiveness and the lack of attention to the service delivery issues that have been raised.

Instead of constructively engaging with community-initiated actions, so far the response has mainly focused on law enforcement and the solution has been sought in reforming the current system of public participation.[147] However, this is by no means a guarantee that the quality of interaction fundamentally changes within these spaces and that 'alternative' spaces, such as street protests, will become obsolete.

In conclusion, the aim to make local government processes more effective and make them better fit to citizens' needs is currently not being realised. Next to the implementation problems of the transparency requirements, service provision does not satisfy citizens' expectations. Moreover, a transparent budgeting process is a necessary, but not sufficient condition for effective government. Once the funds have been allocated and priorities have been set, it is up to each department to deliver on its promises and fulfil its responsibilities. While formal participatory processes are in place, they are at the moment not enhancing local governments' ability to effectively

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[144] Ramjee and van Donk, 2011, p. 22.
[145] Piper and Nadvi, 2010.
[146] Fakir and Moloi, 2011, p. 112.
[147] Ramjee and van Donk, 2011, p. 15.

solve social problems, promote the common welfare, reduce resistance and create support among the population. This means that the output legitimacy is not increasing, which has the potential to destabilise the democratic system.

3.2 The Contribution of Public Participation to Input Legitimacy

Input legitimacy will be increased when citizens have equal opportunities to influence or are represented in government processes through involvement in public meetings. In this section I will evaluate the contribution of public participation to input legitimacy by using three indicators, namely the amount of included citizens in participatory processes, the way in which citizens are represented by civil society organisations and the forms of participation.

3.2.1 Inclusion of Citizens

The main purpose of institutionalising participatory forms of democracy by the post-apartheid government was to redress the previous exclusion of a large part of the population and promote equality among them. Public participation can play an important role in empowering previous marginalised groups by allowing them to express their voice in planning and decision-making processes. Especially black people have benefited from these developments, as they are now able to participate in IDP, budget and ward meetings, while previously being excluded from government processes. In contrast, Afrikaner and white socio-cultural groups become more and more isolated from local government affairs.[148] Whether this is due to a lack of interest, partly because they can provide for a lot of things by themselves, and thus self-inflicted or a result of the ignorance of government officials to include these groups, is not yet clear.

While race is no longer the principal line of exclusion defining relations between individuals and the state and it even seems that black people are in a better position when it comes to participation, other groups, such as the poor, women and the youth, remain to be excluded from decision-making processes. Especially in formal processes

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[148] Van Hoof, 2011, p. 55.

that are designated for public participation by the state, also known as 'invited spaces,'[149] socially disadvantaged groups do not participate or are not enabled to express their voice when they do. South Africa has still a patriarchal society where institutions are traditionally dominated by male, literate, older elites. Therefore, women and young people often lack the confidence to speak publicly and doubt that their concerns will be taken seriously.[150]

Legal provisions to guarantee an equal right to participate[151] have been put in place and the Department of Women, Youth, Children and the Disabled has been set up to protect and promote these rights. However, in practice it appears to be difficult to implement these rights. Unfortunately, the minutes of public meetings do not show how many citizens and more specifically how many people from marginalised groups have participated.

Public participation does not only occur in a direct manner, but also involves elected and non-elected representatives. The extent to which they represent the interests of the (poor) citizens and have the ability to exert influence on the decision-making process, will be described in the next section.

3.2.2 State-Society Relationships: Social Movements vs. NGOs

As mentioned earlier, in the late 1980s South Africa had a well-developed and active civil society that played an important role in the liberation struggle and the democratic transition. The organisations that made up this civil society could be characterised as social movements. Barchiesi has defined the practices of these movements as "forms of community self-management, construction[s] of grassroots discourse, direct action in ways that are so rich, plural and diversified to be totally at odds with the hierarchical organisational practices of the traditional Left."[152] Social movements in South Africa, such as the United Democratic Front and several neighbourhood associations, helped constitute and politicise democratic citizens and create new spaces for participation.[153] Some of the organisations were even concerned with the delivery of services, such as

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[149] Cornwall and Coelho, 2007.
[150] McEwan, 2005, p. 13.
[151] Department of Provincial and Local Government, 2001, p. 9.
[152] Barchiesi, 2002, p. 14.
[153] Heller and Ntlokonkulu, 2001, p. 10.

housing and education, in areas where delivery by the apartheid regime was absent. Before 1994, the civil society was thus mainly involved in extra-state resistance and protest.

At the end of this struggle in the early 1990s, political liberalisation officially started by repealing apartheid laws and releasing political prisoners. Apartheid was finally dismantled in a series of negotiations between several organisations and movements, including the National Party (NP), the ANC, COSATU, the South African National NGO Coalition (SANGOCO) and the South African Student Congress. Next to civil society organisations and political parties, businesses played a role in the Convention for a Democratic South Africa (CODESA) as well.[154] The transition to democracy was thus partly precipitated by social movements and together with the other actors they defined the terms of the negotiations.

At the same time this implied that the associational landscape changed dramatically after the democratic transition as many of the organisations, which used to play an oppositional role, now became part of the government or operated in close collaboration with it.[155] This meant that most of the old social movements had to change position or even stopped existing as they were absorbed into the state apparatus, which led to limited institutional continuity between the movements of the 1980s and those of the late 1990s.

Moreover, civic organisations were increasingly pressured to professionalise their financial and operational management in contrast to the spontaneous and constituency-based social movements.[156] Currently, the Non-Profit Organisation Directorate has approximately 52,000 NGOs in its database,[157] geographically spread over South Africa and focused on promoting a range of values, the most important being democratic rights, human rights, justice, freedom and equity. Due to their capacity and stability, the state favoured closely working together with NGOs on the alleviation of poverty and the implementation of policies to redress inequalities. Many

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[154] Matshedisho, 2008, p. 9.
[155] Ballard, et al., 2005, p. 626.
[156] Gorgens and van Donk, 2011, p. 123.
[157] http://www.ngoregnet.org/country_information_by_region/Sub_Saharan_Africa/South_Africa_country _info.asp

NGOs engage thus with the state as service providers, like the Social Housing Foundation, which delivers expertise, products and services in the housing sector and is accountable to the National Department of Human Settlements. Next to the NGOs addressing service delivery issues, there are also a number of organisations that address governance issues. Through training, education and capacity building of both (poor) communities and local governments, these NGOs, such as the Institute for Democracy in Africa (Idasa), try to address the deeper structural challenges affecting planning and decision-making processes. They use research as a tool for advocacy, which often positions them between the state and the rest of civil society.

However, there are several challenges that should be kept in mind when favouring any of these organisations. While social movements are often in need of the capacity and stability of NGOs, NGOs often lack formal links with community-based structures and therefore the legitimacy to speak in the name of a community. Moreover, civil society organisations are dependent on funding by international and government agencies, which can affect their critical voice and/or their responsiveness towards poor communities as the needs and priorities of funders become their focal point of attention.

Ethekwini is an example of a municipality with many radical social movements that began to mobilise around issues relating to poverty, social delivery and housing as early as 1997.[158] For instance, the Concerned Citizens Forum (CCF) is a network of community-based organisations, including the Anti-Privatisation Forum (AFP), the Landless Peoples Movement (LPM) and the Western Cape Anti-Eviction Campaign (WCAEC). The network does not have a specific member base, which means that no membership list or official records of the number of people attending various mobilisations and meetings exist. In general, events predominantly attract largely unemployed, working class people.[159] Mobilization and participation is thus mainly dependent on the issues that an event is trying to address often concerning the high levels of poverty and pending evictions faced by residents.[160] Due to a lack of responsiveness from local councillors and the city, poor residents refused to participate in local government processes that were seen as the cause of their social problems.

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[158] Piper and Nadvi, 2010, p. 231.
[159] Dwyer, 2004, p. 12.
[160] Piper and Nadvi, 2010, p. 231.

Therefore, the only way to show their discontent was by organising protest activities. In 2005 the frustrations of people residing in the various shack settlements in the area of Ethekwini concerning their living conditions resulted in a public protest characterised by blockading major roads and the burning of tyres. Following, shack dwellers formed a coalition under the name Shackdwellers Movement (ABM) and organised several protest actions. This social movement refused to participate in local governance processes as well as long as their basic social demands were not addressed, which is well reflected in their slogan "No Land, No House, No Vote."[161] Ethekwini Metropolitan Municipality has experienced some radical direct action in recent years, in particular relation to housing and rent eviction problems, of the adversial sort typical of social movements.

In Impendle the relationship between the municipality and community-based organizations (CBOs) is more complicated, partly as a result of the physical constraints imposed by the terrain.[162] Due to the great distances between communities and limited access to transport, CBOs play an important role in the communication between ward committees and constituencies, the arrangement of meetings and the provision of feedback. A range of active CBOs work together with ward committees to support their functions in community development. However, some CBOs lack the capacities to meaningfully engage in local government processes as they have a limited understanding of the responsibilities and the role ward committees could play. Through the work of a development organization, the Built Environment Support Group (BESG), in the area some improvements have been made in strengthening this capacity and improve the relationship between the community, CBOs and ward committees. However, Impendle has a long way to go to transform public participation from being a formality delivered by the municipality to passive citizens into a more substantive and accommodating participatory process. At the moment, due to a lack of resources and capacity, public participation still functions poorly.

In contrast, in Msunduzi local municipality, located in the province of Kwazulu-Natal as well, professionalized NGOs play a significant role, including the Chamber of

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[161] Idem, p. 232.
[162] Bailey, 2011, p. 75.

Business and welfare organizations.[163] They have differing relationships with local government ranging from those who work closely together, those who work periodically together to those who work independently. The Children in Distress Network (CINDI), for example, was engaged in a successful partnership on HIV/AIDS work with the government. However, the partnership was put on a hold for a year when key individuals in government changed.[164] As a result of this personal character of state-society relations, the comparative insignificance of local government resources and the tendency of the government to treat NGOs like service delivery providers rather than equal partners, many welfare NGOs did not participate in any of the government processes, such as meetings to review the budget and IDP. The difference with the ideology-based social movements in Ethekwini, for example, is that these NGOs do not contest so much the nature of government policies, but are rather focused on solving practice-based problems of implementation.

Thus, the relationships between the state, NGOs, social movements and (poor) communities are very complex and differ from municipality to municipality. This is partly due to the specific history of civil society organisations in South Africa. The state-society relation has either been conflictual or has had a tendency towards co-optation. However, the growing disenchantment with service delivery and the incapacity of the new institutions of participatory governance to change this, has led to mobilization of the poor and marginalised on several issues. In turn, this has led to the emergence of new movements in some places, which increases the pressure for change on the state.

3.2.3 Consultative Forms of Participation

Examining the extent of participation can provide an indication of the directness of the participation process and thus the amount of power that is transferred to the people. First of all, the most common and formal type of political participation is voting in elections. Elections in South Africa take place on national, provincial and local level every five years. Since the first democratic elections in 1994 the ANC has won the

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[163] Piper and Nadvi, 2010, p. 224.
[164] Idem, p. 225.

majority of votes in national elections. The importance of local elections as a form of community participation lies not so much in terms of the specific votes cast for particular parties, but more so in giving voice to communities.[165] The election of leaders concerned with local issues could enhance service delivery and accountability, as they are closer to the communities. Many South Africans have, however, not used this opportunity, as the voter turnout in the local elections of 2006 was only 48%.[166]

A second important form of participation in South Africa is via official structures, such as ward committee and IDP meetings. But again a high percentage of people do not seem to make use of these forums. 37% of the respondents of the citizens' perceptions survey did not participate in any meeting, while 25% participated in 1 or 2 meetings, 30% in three to five meetings and the rest (8%) in more than five meetings. Most of the people attended (geographically based) ward or (theme-based) sector committee meetings, followed by izimbizos and council meetings, as shown in table 1.

Table 1. Meetings attended in the past 12 months

Type of meetings	(%)
Ward Committee	30.1%
Sector Committee	20.3%
Izimbizo	18.7%
Municipal Council	13.4%
Budget	5.6%
IDP	3.5%
Other	8.3%

Source: Idasa, 2010

Ward committee meetings serve as a channel of communication between communities and the municipal council. Ward committee members are required to transfer the needs expressed by citizens to the council and provide for information to the citizens on the decisions made. This form of participation is, as Buccus, et al. put it, overwhelmingly a form of "public consultation rather than the actual participation of civil society or local

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[165] Williams, 2007, p. 16.
[166] Independent Electoral Commission on www.elections.org.za

communities in decision-making or implementation."[167] The ward committee itself has thus no decision-making power, but is merely a consultative forum to make recommendations to the ward councillor, who in turn takes them to the municipal council. What is maybe even worse is the fact that the majority of respondents that were interviewed in the citizen perception survey (52%) are sceptical about the impact of these consultation meetings on decision-making processes in the council.[168]

Ethekwini municipality established the ward committee system only in 2005 by demarcating 100 wards to create communication channels between the community and the municipal council. Before, public input in the budget and IDP process had been constituted in ad hoc 'Big Mama' workshops, which drew together some 450 participants "from all sectors of civil society and spatial areas of the city, spheres of government, unions and tranditional leadership."[169] The first of five workshops, for example, concerned the draft Long Term Development Framework, which envisioned Ethekwini in 2020 as a city to "enjoy the reputation of being Africa's most caring and liveable City, where all citizens live in harmony."[170] Following this workshop there were a series of a hundred community workshops across the city to assess local needs, which served as input for a strategic budgeting exercise. However, with the institutionalisation of ward committees, effective participation in the city has somewhat decreased. Moreover, the IDP is produced through a "structured and coordinated participation process"[171], involving different stakeholders in consultation, such as business, ward committees, NGOs and provincial and national government, but without the direct involvement of citizens and genuine deliberation about their needs. This is mainly due to the indifference towards public participation of the city's elite and its tendency towards managerialism. This trend is well reflected by the city manager Mike Sutcliffe, stating "we know what people's needs are. Indeed, for the next hundred years the needs will remain the same, although the rank order might well change."[172] By implication, public participation can contribute in this regard and all operating and

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[167] Buccus, et al., 2007, p. 10.
[168] Van Hoof, 2011, p. 41.
[169] Piper and Nadvi, 2010, p. 229.
[170] http://www.durban.gov.za/durban/government/administration
[171] Ethekwini Municipality, 2010.
[172] Mike Sutcliffe, 2006 in Piper and Nadvi, 2010, p. 230.

capital programs in the 2010/11 budget have for example been evaluated through a prioritization mechanism, based on the IDP.

Impendle Local Municipality is divided into four wards, but the poor transport connectivity remains a huge challenge to the functioning of ward committees and the attendance of councillors. By the year 2017, the municipality wants to "have provided the majority of the people and households with sustainable access to their social and economic development needs and basic services in a fully integrated manner and within a safe and healthy environment."[173] It is said that public consultation meetings are often held around issues, such as the budget, the IDP and property rates, but official data and minutes of these meetings are not available.

Most participatory processes in South Africa are thus consultative. This means that citizens have some opportunities to have their voices heard, but they do not have the power to make final decisions on issues that directly affect their lives.

3.3 Concluding Remarks

In the previous chapter, we concluded that the success of participatory initiatives depends on a very delicate balance between the institutional arrangements of the state and the dynamics within society. In this chapter, we have seen that in South Africa both the delivery of services and the amount and quality of participation by citizens and their representatives is quite disappointing. The growing dissatisfaction and the meaninglessness of participatory processes has on some occasions led to resistance and protest. This indicates a lack of both input and output legitimacy, which in turn could have a destabilizing effect on the South African democratic system as a whole.

In the next chapter, I will analyse the problems caused, or at least sustained, by the formal participatory system of ward committees and finally introduce an outcome-oriented concept of legitimacy to bridge the gap between input en output legitimacy.

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[173] Impendle Municipality, 2010.

4. Linking Theory and Practice

In Chapter 2, I described the White Paper policy framework of 1998 in which the notion of 'developmental local government' is entrenched. Municipalities were reformed to become active promoters of social and economic development. Today, more than a decade after the start of implementing the new structures and systems that this framework generated, much of the initial ideals and optimism have disappeared. Reality has proven to be more obstinate than foreseen and a number of South African municipalities are facing declining urban management and a lack of service delivery. In hindsight, according to Schmidt, this has been caused by a number of wrong underlying assumptions that were driving the process.[174] Firstly, there was an assumption that municipal administrations could be held to account and be pushed to deliver through the empowerment of politicians relative to officials. Secondly, larger municipalities were created, because it was assumed that this would lead to "economies of scale, greater viability and an optimal use of scarce resources."[175] Thirdly, performance was supposed to be improved by linking performance-based management to the Integrated Development Plan. Lastly, the ward committee system was established as the main mechanism for facilitating public participation.

However, this has lead to a situation where the strong executive mayor has been undermining the already weak municipal administration, where only the central towns of municipalities have often prospered, while leaving the other towns behind. Moreover, as a result of the performance-based management system, officials are often too much concerned with reaching their performance targets at the lowest level possible. Hereafter, I will address the deficits concerning the design and the institutionalisation of the ward committee system as a main mechanism for public participation in more detail. The evaluation of the weaknesses of the current system, will give us an insight in the possibilities of linking the input and output approach via the introduction of evaluation practices and in doing so providing a solution for a missing link in the process of strengthening the legitimacy of the South African democratic system.

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[174] Schmidt, 2010, p. 1.
[175] Idem, p. 2.

4.1 The Weakest Link: Ward Committees

The ward committee system was envisioned to serve as the primary mechanism to foster public participation in the political processes of local governments. The majority of municipalities have established this system by now, but their functioning varies widely for several reasons.

First of all, ward committees depend heavily on their ward councillors to operate. Hence, the ward councillor decides how often the committee meets, what it discusses, what information ward committee members acquire and, most importantly, what information the municipal council obtains from ward committees.[176] As there are no minimum criteria for selection, many councillors are not up to these tasks as a result of incapacity or ignorance of their responsibilities. Moreover, due to this central role councillors play, the relationships between them and the ward committee members are often very weak. Next to a lack of appreciation for the potential role that committee members can play, the political nature of wards hampers good cooperation and slows down the development process.[177] The fact that party political leadership selects candidates for the municipal council implies that 'elected' councillors are rather accountable to the party then to their constituencies.

In turn, this is reflected in citizens' perceptions on the visibility of councillors. Respondents of the citizen perception survey stated that councillors do not maintain the required contact and do not communicate with them except prior to elections.[178] What is even more alarming, is the fact that a majority of people do not believe that consultation processes have any impact on decision-making processes.[179] When ward councillors do not recognise public inputs, the communities' needs and priorities will not be conveyed to the councils. Consequently, citizens perceive the attendance of public meetings as a waste of time.

But these public meetings are in fact the only opportunity citizens have to participate in government processes, because ward committees have crowded out most

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[176] Piper and Nadvi, 2010, p. 219.
[177] Qwabe and Mdaka, 2010, p. 69.
[178] Idem, p. 68.
[179] Idem, p. 69.

other forms of participation. The municipalities that have put in place a ward committee system have the feeling that they have substantially fulfilled their participation compliance requirement.[180] The fact that this system is maybe not the most appropriate and effective form of participation does not change the fact that governments see participation rather as a task that has to be completed than as an obligation that needs to be fulfilled or a critical part of governance. Therefore, citizens have on some occasions turned to protest actions as described in section 3.1.3 to capture the attention of government and to get their voices heard.

Since the local government elections of 2006 the amount of public protests has risen significantly. Many South Africans have been frustrated with the state of democracy and governance in general as it has not lived up to their expectations. Ordinary citizens (largely black) are experiencing increasing levels of social, economic and political powerlessness and inequality[181] and are hence unable or unwilling to participate in local government processes. While the reasons for public protests may have been legitimate, they have often been met with intolerance from the government's side, because they fall outside the parameters of the formal regulated system of public participation.

Therefore, another, somewhat more successful, way to engage the state has been the use of mechanisms institutionalised in South Africa's post-apartheid political system, such as the Constitutional Court. In the well-known case of *Grootboom v Minister of Housing* (*Grootboom* case[182]), the Human Rights Commission and the University of the Western Cape's Community Law Centre acting on behalf of the residents of an informal settlement successfully took the government to the court in order to hold it to the right to adequate housing and services. The court found that the government of South Africa had not met its obligation to provide adequate housing and provided an order compelling government to take action on socio-economic grounds. This judgement became the foundation case in assessing the state's responsibilities on

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[180] Schmidt, 2010, p. 4.
[181] Fakir and Moloi, 2010, p. 111.
[182] *The Government of the Republic of South Africa & Others v Grootboom & Others* 2000 11 BCLR 1169 (CC)

socio-economic rights and has been used as the basis of other cases.[183] However, the state has never provided the required housing due to a lack of resources.

As a result of the meaninglessness of the formal public participation processes, the current model of governance is still largely characterised by confrontation and co-optation. Citizens' roles are reduced to demand and protest, which will sometimes be heard, but most often will be placated through consultations, co-opted through favours and patronage or repressed. The government's role is to finally decide what is best for each community and to design and implement the corresponding actions and allocate the necessary resources, whether or not in cooperation with different stakeholders. In this model, citizens complain that the government does not do enough for them, that public money is wasted in inefficiencies and corruption, that their voices are not heard and that all decisions are guided by electoral politics. On the other side, government officials claim that citizens do not understand that resources are limited, that they are unable to set priorities and that they will spend their money on things that have no lasting impact on their lives.

In terms of legitimacy of the participatory democratic model, this is not a very sustainable situation. The current processes of public participation do not create enough opportunities for citizens who will be affected by collectively binding decisions to have a meaningful say in the decision-making process. On some occasions ward committees consult citizens on their needs and priorities, but the municipal council will make the final decisions. The lack of opportunities and the low quality of participation do not impact on input legitimacy positively.

Furthermore, the lack of communication between government and citizens and vice versa impedes the ability to solve problems effectively, which in turn hampers the process to increase output legitimacy. As local governments favour to work with professionalised NGOs instead of with social movements and community-based organisations, opportunities to make 'more intelligent' decisions through the use of local knowledge are not reaching their full potential. Moreover, while the provision of services has increased since the democratic transition, citizens feel that their overall wellbeing has not changed rapidly enough.

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[183] For example, *Minister of Health v Treatment Action Campaign* 2002 5 SA 721 (CC)

Thus, even when consultation takes place, this serves primarily as a rubberstamp rather than a platform for the public to make meaningful inputs and influence the policy agenda.[184] In order to establish a more productive relationship between government and citizens, it is imperative to develop a better functioning mechanism to monitor and evaluate the outcomes of participatory processes.

4.2 The Missing Link: Monitoring and Evaluation

As I described in chapter 1, there are two alternative understandings of how participation contributes to legitimacy. On the one hand, we can distinguish the input-oriented concept, which puts emphasis on participatory structures and deliberative processes as conditions for legitimacy. On the other hand, the output-oriented concept stresses the importance of substantive products, such as standards and policies.

Both approaches do not reach their objectives, as I described in the previous chapter. As a result of unmet expectations and a lack of understanding of the contribution public participation could make on both sides, the output as well as the input legitimacy is undermined. Putting more emphasis on either on of these approaches will not solve this problem, because both are complementary and necessary to improve the quality of local participatory governance. Therefore, the two approached should be closer linked through the introduction of outcome legitimacy. The outcome-oriented concept differs from input and output in the sense that it does not focus on the process or the results of the process, but rather on the level of achievement. In other words, outcome legitimacy is concerned with the perceived level of performance of the democratic system among a broad range of stakeholders. To use an example, when participatory processes (input) lead to the decision to provide for universal access to water (output) within ten years, the outcome will be the percentage of the population that has access to water after these ten years (at the moment in South Africa only 86% of the people has access to piped water).

The concept of outcome-oriented legitimacy enables a deeper analysis on the extent to which right and left wing/output en input theories of public participation are

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[184] Mhone and Edigheji, 2003, p. 353.

compatible. For government agencies, outcome legitimacy derives from how the various affected (groups of) members of the population evaluate the benefits of the things they receive and to what extent they feel that the results meet their specific needs. These results may be associated with the fairness of the process (the input), or the substantive products (the output). Legitimacy is then synonymous with the quality of a governance system.

But more important, outcomes can also be defined in terms of the way in which the substantive products of a system exercise a longer-term influence over actors' behaviour. In this way, using the outcomes concept, substantive products (output) can be linked to actors' behaviour (input). Outcomes of public participation have an effect on the way in which people participate. If outputs are viewed as substantive, this stimulates the population to continue to participate, or even to increase the degree of involvement. If the public is dissatisfied with the way public participation has been run, the impact on public confidence in public participation is likely to be reduced rather than increased.

Furthermore, from the point of view of state agencies, being able to compare the effectiveness of public participation exercises will maximise the appropriateness of both input (in terms of increased "democratisation" of the policy process), and output (regarding the most effective and efficient way to conduct public participation exercises) in the future. In trying to improve public participation performance, it is necessary to be able to describe the outcomes a state agency wants to achieve. Moreover, it needs to be made possible to express outcomes quantitatively, so progress over time can be tracked. Finally, it must be decided which of the organisation's processes will impact on each outcome. At that point, it will be clear what the outputs are, that also impact on the outcome. Outcomes imply thus quantification of performance, which in turn implies evaluation. Subsequently, the results must be communicated to have an effect on the participants' behaviour. Next, I will elaborate on these three elements: quantification of performance, evaluation and communication and public participation.

First of all, quantification of performance can be very difficult, especially of social programmes. Even if correlations can be established, causal relations often stay

unclear. Often a lot of other variables are in play and it is therefore not clear in what way and how much each a public participation initiative has contributed to possible changes in legitimacy that have been measured. This raises complicated questions about what counts as solid evidence and methodology.

Secondly, as one of the main purposes of this thesis is to stress the importance of an evaluative framework for determining the quality of public participation, it is important do define the concept of evaluation. Church and Rogers argue that "evaluation is the systematic acquisition and assessment of information gathered on specific questions to provide useful feedback for a program, organization, or individual."[185] According to them, "evaluation is commonly thought to serve two purposes: learning and accountability."[186] It is essential to establish effective evaluation programmes of public participation if we want to get a better understanding of what works and what does not work in improving the legitimacy of the South African democratic system. Only in this way we can hold state agencies accountable for using good practice and avoiding ineffective practice. Adequate monitoring and evaluation systems can result in increased transparency and trust in the system.

However, to date there has been no systematic method available for evaluating the effectiveness or value of different public participation exercises. So far, research on public participation has mainly focused on successful cases, which implies that the actual wide range of outcomes of participatory initiatives is not sufficiently evaluated. Therefore it is difficult to evaluate experiences with public participation that are less successful, because no standards for bad practices and recommendations on how to improve them are articulated. This is thus commonly the result of weak monitoring and evaluation projects, which often does not involve citizen participation either. In other words, there is no established practice of assessing whether the members of the public involved thought that the exercise was run in a meaningful and effective way.

Improving the monitoring and evaluation process would enhance the accountability of the administration to the population and contribute to legitimacy. A good example of the development of effective evaluation programmes is provided by

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[185] Church and Rogers, 2006 in Blum, 2011, p. 2.
[186] Blum, 2011, p. 2.

the work done in the field of peacebuilding evaluation. Following, I will analyze to what extent methods and experiences in this field can be used in the evaluation of the impact of public participation on legitimacy of the democratic system.

The Peacebuilding Evaluation Project of the Alliance for Peacebuilding in collaboration with the United States Institute of Peace aims to discuss practical challenges related to peacebuilding evaluation and find solutions for them. The project states that the problems related to evaluation are not specific to the peacebuilding field; one accomplishment of the theoretical work in peacebuilding has been to create a more sophisticated understanding of what challenges are common to the evaluation of social programs in general. The report uses the term peacebuilding evaluation, but the issues discussed are not necessarily unique to peacebuilding work.[187]

The project concluded that there are a number of approaches to evaluate processes that are quite different in many ways, but three commonly shared themes emerged. First, evaluation needs to be based on systematic collection of evidence. Second, evaluation serves both learning and accountability purposes. Last, evaluations are part, but not the entirety, of the evaluation process, which includes a range of monitoring and assessment activities that take place throughout a project's life cycle. Thus, the report defines evaluation as "an evidence-based process designed to create accountability for and learning"[188] from initiatives and programs. In general, the government, preferably with the involvement of citizens, can complete monitoring and assessment exercises as part of their management functions. In contrast, evaluation should be carried out by an outside agency or (international) organisation in order to obtain objective findings and conclusions.

Evaluation can contribute to the success of public participation programs through building consensus, strengthening norms, disrupting bad practices and creating alternatives.[189] During public participation projects, it is important to build a consensus on effective public participation practices and evaluation practices. At the moment, there are different reasons behind the implementation of participatory processes, which focus on achieving different objectives. By identifying these reasons and objectives, a

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[187] Idem, p. 4.
[188] Idem, p. 2.
[189] Idem, p. 7.

consensus can be build around common issues, which would contribute to a more cohesive process able to achieve substantive results.

Furthermore, methods have to be sought to strengthen norms within the public participation field. Norms with regards to the implementation of effective evaluation practices could contribute to creating expectations of both state agencies and the public. Workshops and meetings, in which citizens, government officials, civil society representatives and academics can participate, could facilitate this process of building consensus and strengthening norms.

Thirdly, in order to improve public participation in government processes, the outcomes have to be communicated to the public through meetings, open discussions, media and Internet. This is the last step of an effective evaluation process. By assessing the quality and outcomes of the process, the state agencies can be hold accountable for their actions or omissions.

The evaluation results must be communicated to stakeholders in a clear and transparent manner to facilitate the use of evaluation results. Communication of the results of evaluations is an essential part of public participation and it involves dialogue, debate and transparency. Evaluation brings to light the achievements of public participation and these data can be used to demonstrate the added value of participatory processes and thus enhances both input and output legitimacy.

Conclusions

In the introduction of this study I defined public participation as the process in which those who will be affected by collectively binding decisions are able to influence them in order to promote more sustainable results. This broad definition is generally accepted, but often expectations about what this process is supposed to achieve differ. In general, participatory practices are embedded in local government processes to solve the 'democratic deficit', which a lot of representative democracies are currently facing. As a result of a decline in voter's turnout and the elitist attitude of political parties and governing groups, the legitimacy of traditional forms of representative democracy, understood as the popular perception that the government acts in accordance with established democratic rules, principles or standards, is declining. It is argued that public participation can contribute to enhancing the legitimacy of the democratic system through its ability to bring citizens (back) to politics. Both right- and left-wing theorists have advocated the implementation of more participatory approaches in recent years, although for somewhat different reasons and often with a varying degree of success. In this thesis success of public participation has been defined as contributing to the legitimacy of the democratic system. It has been demonstrated that the process of increasing legitimacy has an input- and an output-oriented concept.[190]

On one hand, neo-liberals focus in general more on the technical virtues of the process, that is on the contribution public participation can make towards more efficient and effective problem-solving and decision-making (output legitimacy). By making the state more responsive to its citizens' needs, results will be more effective and trust will be built, which is a necessary, although not sufficient, condition for sustainable economic growth.

On the other hand, left-wing theorists put more emphasis on the merits of the participatory process itself and its embedment in deliberative structures (input legitimacy). Participation by poor or otherwise marginalised members of society will empower them by creating equal opportunities to have their voices heard in decision-

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[190] Scharpf, 1997.

making processes.[191] Next to reducing political inequality, this could finally contribute to a decrease in socioeconomic inequality.

This separation of left- and right-wing theories and input- and output-oriented concepts of legitimacy is of course ideal-typical. It is used here to gain a better understanding of the extent to which public participation projects reach their objectives and the contribution public participation could make towards increasing the legitimacy of the democratic system. However, these theoretical divisions are not that strict in reality and not too much emphasis should be put on the polemic debate, because this could prevent discussions that might help solve real problems, such as equality and universal access to services.

As I have demonstrated in the previous chapters, there existed a strong commitment to participatory processes in South Africa. During the democratic transition a great emphasis was put on promoting public participation in local government processes and development initiatives. These innovations were incited by the particular history of South Africa of local organisations' engagement in the anti-apartheid struggle. The concept of 'local developmental government', as enshrined in the Constitution of 1996 and other legislation and policy frameworks, has been steadily institutionalised through formal processes, such as municipal elections and participation in development forums. The ward committees have been a prominent mechanism for facilitating public participation by acting as mediators between citizens and the municipal council.

More than a decade after the institutionalisation of these participatory initiatives, only very few of them have been subjected to critical scrutiny and analysis. Because South Africa shares three enabling conditions of participatory governance with two successful cases of decentralisation and participatory budgeting, it has been interesting to analyse to what extent this potential has been realised. Therefore, in this study, I have combined a normative assessment of the current academic debate with empirical analysis in order to evaluate to what extent public participation in local government processes has contributed to the legitimacy of the democratic system in contemporary

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[191] Gaventa, 2002, p. 33.

South Africa. This evaluation is based on several characteristics of public participation to measure its success.

Participation in government processes was supposed to achieve higher standards of transparency in order to increase output legitimacy. While these standards have been put in place, the compliance of municipalities with them has often been low. This has mainly been the result of a lack of capacity to perform internal control compliance. Since the early 2000s, the period when most local governments went through several reforms, the delivery of basic services has increased, contributing to the well-being of citizens, although universal access to basic services has not yet been achieved. This is finally what most South African citizens expected and the fact that these expectations have not been met, have led to dissatisfaction among a large part of the population. As a result of the meaninglessness of participatory processes and thus the unresponsiveness of local governments to their needs, citizens have often expressed their dissatisfaction through protest actions.

The results of the assessment of the influence public participation has on input legitimacy have not been much more positive. Due to a lack of information about meetings, insufficient capacities of citizens to understand the processes and other obstacles, such as language barriers, inconvenient meeting times and high travel costs, the participation in public meetings is generally low. In particular for the poor and other marginalised groups, such as women and the youth, this has had a disempowering effect when trying to participate. Moreover, the relationships between civil society and the state have generally been volatile. The social movements that were a driving force behind the anti-apartheid struggle have been largely co-opted by the democratic government. The government has favoured to form partnerships with professionalised NGOs in the delivery of services. However, these NGOs often lack close links with community-based structures and therefore their representativeness of the community is questionable. Finally, the current participatory processes have been largely consultative in nature, rather than aimed at reaching consensus through deliberation. For these reasons, public participation in contemporary South Africa fits among lower rungs of Arnstein's ladder of participation and is thus best described as consultative.

If people know opportunities exists for genuine participation and citizens' control

over decision-making processes, they are likely to believe participation is worthwhile. In turn, this could lead to more active participation and an increased believe in the fact that collective decisions should be binding. In South Africa, public participation does not take place very regularly and often does not involve organised constituencies. Most of the time political officials just talk to the public about their needs and priorities right before elections, which will raise expectations among their constituencies. These inputs then enter a remote process where citizens can no longer exert influence and where government agents make the decisions, which may or may not address citizens' priorities. When priorities are not addressed or the amount and quality of delivered services does not meet their expectations, citizens and their representatives will be dissatisfied with the process and perceive it as useless and a waste of time. If citizens are systematically marginalised and/or poorly represented, they will have the feeling that their views and preferences will not be taken seriously compared to other interests and in turn will regard participatory processes as unfair or just meaningless. This lack of effectiveness and fairness of the process will negatively impact on both output- and input-oriented legitimacy.

While the state has created spaces and events for community input into government processes, such as ward committees and the IDP, they often remain formalistic and consultative. Moreover, participatory processes lack the substantive weight and authority needed to influence decisions in a sustained and meaningful way. Some practical changes could be made to increase the amount of people participating and improve the quality of that participation, but this would have no impact on societal transformation. Public participation is not just a technical process of planning and implementation; and it is not solely about mobilization; nor is it only about a clash between a neo-liberal growth path and the needs of the poor. It is more about matching expectations of both government agents and citizens by assessing the outcomes of the process.

Next to the a priori requirement of having a flexible design that is able to accommodate a more diverse range of participatory practices, a strong monitoring and evaluation system need to be established in order to assess the outcomes of the process. A government official could perform monitoring as a management task, but the

evaluator should be an external person or (international) organisation. Evaluation programs should be set up from the start of the programme to get a better understanding of the reasons behind the making of key decisions and finally a deeper insight in the outcomes of the process.

Effective monitoring and evaluation in turn relies on the development of both quantitative indicators to measure the level of achievement of the purposed objectives, and qualitative indicators to measure the perception of the quality of participation. The outcomes need to be communicated to government agencies and the public in order to have an influence on their behaviour. If citizens know what the outcomes of the process have been and see in what way and to what extent their priorities have been addressed, their trust in the system will be enhanced contributing to increased (quality of) participation. The government, on the other hand, will benefit from this increased trust, because its practices will be democratised and its ability to allocate resources efficient and effectively will be increased. This should lead to the acknowledgement of the fact that genuine participation is a messy process that is itself not necessarily efficient, because it consumes financial and temporal resources, but at the same time it has the ability to create effective, sustainable and empowering products. In turn, this will add to the stability and survival of the democratic system in contemporary South Africa.

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