



Chapter 8

Crafting New Democratic Spaces: Participatory Policy-making in KwaZulu-Natal, South Africa

Imraan Buccus and Janine Hicks

Introduction

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

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

- Why do we need new democratic spaces in a ‘new’ South Africa?
- How can civil society engage with policy-making processes with greater equity—and what transformation is required on the part of government to be receptive to this?
- What design elements are needed to craft and facilitate new democratic spaces?

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

We present an emerging participatory model in KZN, acknowledging some of its inherent challenges and tensions. This is an innovative attempt to involve



citizens in creating new spaces for policy deliberation—a meeting point of government’s ‘invited’ and civil society’s ‘claimed’ spaces (Cornwall, 2004). Finally, the chapter reflects on what the findings have demonstrated, concluding with a synthesis of key issues raised, and identifying gaps where further work is required.

Methodology

The methodology comprised:

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

The democratic ‘deficit’

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

Carothers (2005) notes that typically, with growth in poverty and inequality, and as citizens become increasingly sceptical and distrustful of political parties and institutions and of corruption, there is declining political participation. This widening gap between citizens and state institutions results in a ‘diminished democracy’ (Skocpol, 2003: 11). With parties’ focus characteristically being on electoral processes to the detriment of effective representation, links between citizens and the state are not being developed. The result is a ‘weak democracy marked by poor representation’ (Carothers, 2005: 8).

Around the world, governance actors, analysts and activists are grappling with this issue and exploring how best to engage citizens in government decision-

making processes. However, citizen participation is often reduced to participation by elite, organised civil society, in the form of predominantly non-governmental organisations (NGOs), business and other interest groups with access to resources. Crenson & Ginsberg (2002) refer to this monopoly of participatory processes by elite forces as ‘downsized’ democracy.

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

Deepening democracy

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

Many authors have explored this notion of deepening democracy and some of the assumptions influencing debates about citizen participation in governance (Gaventa, 2004; Fung & Wright, 2001; Brown, 2004; Manor, 2004; Ackerman, 2004; Sisk, Demichelis & Ballington, 2001). These approaches include: strengthening representative democracy and participatory mechanisms; building civil society as an external counter-force to government; bringing civil society into the state in a form of co-governance and service delivery; exploring deliberative policy-making through emerging new models such as citizens’ juries and other ‘deliberative inclusionary processes’ (Holmes & Scoones, 2000: 20), bypassing traditional policy formulation processes; and exploring ‘empowered participatory processes’ through debate and consensus-based forums (Cohen & Fung, 2004: 34; see also Fung & Wright, 2001).

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



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

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

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

Participation or co-optation?

If we are to explore the strengthening of participatory mechanisms to deepen democracy, then the notion of participation must itself be examined, as this has various interpretations and applications. Sisk et al posit that participation is ‘intrinsic to the core meaning of democracy’ (2001: 147), yet it seems sometimes governments view it as important only where it ‘reduces government costs and responsibilities ... when governments can offload service delivery to ... NGOs and community groups or convince local residents to donate volunteer labor or materials’ (Ackerman, 2004: 447). This approach fails to take cognisance of the fact that ‘the opening up of the core activities of the state to societal participation is one of the most effective ways to improve accountability and governance’ (Ackerman, 2004: 448).

Yet citizen participation in governance is regarded by many others as having the potential to ‘reduce poverty and social injustice by strengthening citizen

rights and voice, influencing policy-making, enhancing local governance, and improving the accountability and responsiveness of institutions' (Taylor & Fransman, 2004: 1).

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

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

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

Interrogating 'civil society'

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

Our reference to civil society includes actors falling within that intermediary space 'between the family and the state' (Edwards, 2004: 20)—including a broad



range of actors beyond merely NGOs and civil society organisations (CSOs). In our research work and in this paper, the categories of CSOs with which we deal are organised structures in the form of NGOs, community-based organisations (CBOs) (community- and membership-based), and umbrella bodies in the form of NGO and CBO network structures. We do not address participation from the perspective of unorganised civil society or individuals, and whether they perceive CSOs as adequately representing their interests, or rather as gatekeepers to power and resources.

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

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

Do we need new democratic spaces in South Africa?

The ‘new’ South Africa

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

Challenges to participation: Systems and reaction

South Africa has clear constitutional and legislative provisions for community

participation in governance, leaving no doubt as to the existence of extraordinary political commitment to notions of participatory governance (RSA, 1996; 2000). However, there are some significant challenges for participation in policy-making processes. These include design, capacity and resource gaps impacting on the effectiveness of the measures put in place.

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

In addition, some doubt does arise as to the extent of the political will of elected representatives and senior bureaucrats to put participation ideology into practice in a meaningful way. This is brought about by apparent tendencies within the leading party, the African National Congress (ANC), and government structures to close ranks against those who voice any opposition to or criticism of their policies, labelling dissenters within their ranks as 'ultra-left', politically ambitious or even, in some cases, racist. As Greenstein remarks (2004: 28), while the ANC government is 'clearly different from the apartheid government in its social basis, values and policy goals, it shares to some extent the mode of operation and disdain for dissent'. While South Africa's transition from apartheid to democracy freed its citizens from racial minority rule, it 'has not offered citizens effective channels for participation in government decisions' (Friedman, 2004: 22).

Developing relationships with the state

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

Existing opportunities, spaces and mechanisms

At the 'visioning conference' on participatory policy-making, participants interrogated the opportunities and mechanisms for participation, with one participant



describing the policy-making process as an ‘elite-driven process of exclusion and demobilisation of the public’—to great applause.¹ Issues such as the spaces and resources required for ordinary people to engage with policy-making processes were raised, within the context of a country that should be regarded as a two-nation society. Participants expressed the view that the way public participation is conceptualised and facilitated presently reflects a model of a middle-class income society comprising those with the time and space to engage.

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

Poor information dissemination and lack of summarised, plain language versions of policy and legislation under scrutiny further prevent marginalised groups from participating effectively in processes. Recent interviews with the new speaker of the KZN Legislature, however, reveal a welcome shift in the approach to public participation and the introduction of several innovations to enable communities to engage with the legislature.

At the executive level, departmental initiatives are in the main limited to the *izimbizo* (public gatherings) of the Office of the Premier. These gatherings draw thousands of community members together to raise issues of concern in the presence of the premier and departmental representatives, who have to respond to and address issues and problems raised, to the satisfaction of the premier. While this innovation has been welcomed, the limitations of this forum have been noted, such as the sheer size of these gatherings, which makes the forum unsuitable for deliberation on issues and possible solutions. They are also unfocused, resulting in a catch-all process for all community problems.

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

¹ The visioning conference was held at the Riverside Hotel, Durban on 25–26 October 2005.

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

Opinions of policy-makers

Discussion sessions and interviews with policy-makers revealed a heartening approach to public participation in policy-making.² Interviewees were unanimous in their views that engaging citizens in joint decision-making brings benefit to all. As a positive spin-off, interviewees noted that participation enables the crafting of innovative solutions to policy challenges and that engaging citizens in policy-making contributes towards the empowerment of communities, with people learning more about governance and policy-making processes by getting involved in these.

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

Civil society experiences of policy-making processes

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

2 A discussion session was held with 25 provincial and local policy-makers and bureaucrats from a range of departments and municipalities. Follow-up interviews were conducted with four of these stakeholders and the speaker of the KZN Legislature.



to policy decisions. This thinking appears to be supported by civil society experiences of the policy-making process, shared in our policy discussion forums.

Groups at these forums spoke of mixed experiences of the policy-making process. Feelings of being sidelined and marginalised, excluded and disempowered overwhelmingly dominated. These were occasioned by not receiving feedback on inputs made in processes, not seeing any recommendations being taken up or any impact from having participated and provided input, being co-opted into participating in a process with a predetermined outcome, being excluded from an 'inner circle' enjoying privileged access to decision-makers and information, and not being recognised as worthy of participating.

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

Power in the policy-making process

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

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

An examination of power in the policy-making arena itself reveals a complex territory, characterised by contestation. Policy has been defined as constituting

the 'decisions taken by those with responsibility for a given policy area, and these decisions usually take the form of statements or formal positions on an issue, which are then executed by the bureaucracy'. It is a political, 'ongoing process of negotiation and bargaining between multiple actors over time' (Keeley & Scoones, 1999: 4), and reflects 'conflicts and alliances between economic interest groups' (Robinson, 2003: 7). Participants from the children's and women's group discussion noted in addition that as a starting point, power resides with political parties. There is power in the process of setting the agenda for discussion itself, and participants questioned how issues get onto the political agenda and attract sufficient support and attention. When it comes to the implementation of policies and programmes, power is devolved to government agencies, and this is not monitored by or made accountable to civil society.

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

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

How can civil society engage with greater equity?

Representation, accountability and voice

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



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

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

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

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

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

Tensions are particularly apparent among organised network bodies such as the South African National Civics Organisation, the South African NGO Coalition, CBO network bodies, and the CSOs and communities they claim as membership bases. There is a perceived level of competition and struggle for dominance

among these structures, which have diverse identities, yet a shared membership base. CBOs at the discussion forum challenged network representatives, claiming that they are not accountable to them or representative of their needs and interests, yet have access to information, recognition and resources, all in the name of the membership interests they claim to represent. They appeared wary of networks' agenda and suspicious of their perceived and sometimes outright political affiliation, which they stated discourages many CBOs from identifying and engaging with them.

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

Preconditions for civil society engagement

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

The issue of the agency of poor people in particular, what contributes towards their attitude and opinion formation, and whether they can be motivated to engage with policy debates came up resoundingly in discussion forums with civil society stakeholders. Participants felt strongly that the satisfaction of basic needs has an impact on people's ability to engage with policy-making processes, and that those not provided with basic services experience a sense of alienation from government.

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

In addition, several authors refer to the basic resources and capacity required by participants to make full use of government participatory processes. Cornwall (2004) speaks of the need to assess what work is required with groups prior



to their participation in a process in order to ensure that they participate with greater equity. This includes as a starting point capacity-building to develop an understanding of the policy framework and process, and enhance technical and planning capacities (Logolink, 2002).

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

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

Transforming bureaucracies

The issue of the equation between citizen action and state capacity, and the notion of the state's agency must also be explored. It has been noted that citizens' ability to mobilise and exert influence depends on the state's structure and capacity to act (Houtzager, 2005). This has been referred to as 'working both sides of the equation'—strengthening the processes of citizen participation, while at the same time strengthening the accountability and responsiveness of state institutions and policies (Gaventa, 2003a: 3–4).

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

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

Manor (2004: 16) presents interventions in the form of initiatives to change the ethos and behaviour of government employees, in order to 'persuade low-level

employees to behave more accountably and responsively towards local residents'. These interventions include training in participatory methods for appraisal and monitoring, publicity campaigns to generate high morale among employees and performance-related pay in relation to clearly defined performance targets (Manor, 2004).

Crafting new democratic spaces

The space itself

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

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

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

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



This committee would be tasked with jointly planning for a participatory process, identifying an appropriate venue and local stakeholders to invite, disseminating information and documents on the process, and facilitating the process.

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

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

An emerging model: Between claimed and invited spaces

Mooting the concept

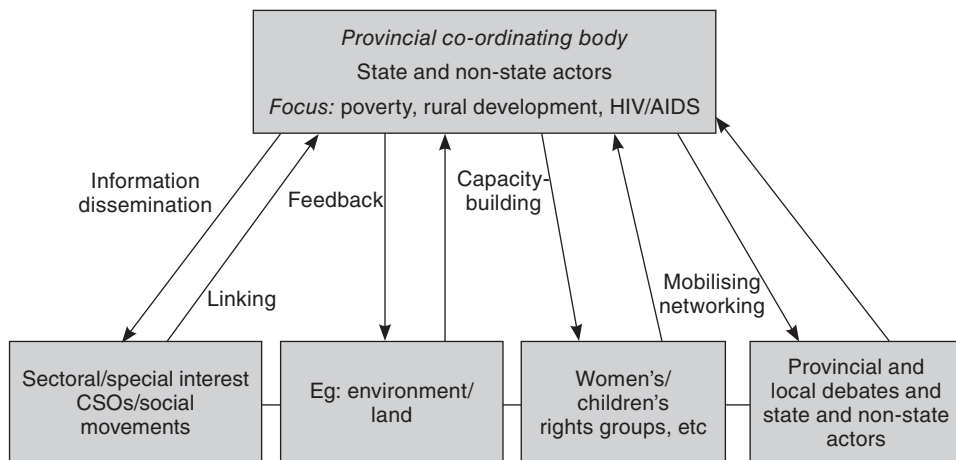
In attempting to address these design aspects, findings from our research process have been folded into an emerging joint civil society–government process in KZN, which is exploring ways of involving civil society in creating space for participatory policy-making—somewhere between the notions of invited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

At the ‘visioning conference’, the notion of a provincial public policy participation forum was mooted and adopted (see Figure 8.1), and tested in a participatory process to seek civil society input into the drafting of the KZN provincial constitution. The idea would be for this forum to operate at provincial and local levels, initiated by civil society networks at these levels in conjunction

with state actors. Forum stakeholders active in these spheres would build on existing spaces or mechanisms where civil society groups are active, and jointly convene a deliberation on the emerging policy issue, using the format of new democratic spaces, ie paying careful attention to design, facilitation and rules for engagement.

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

Figure 8.1: KZN public policy participation forum



It appears that an overarching provincial co-ordinating body, or secretariat, will be needed to facilitate co-ordination between sectoral groups and provincial and local deliberations, but would not be responsible for arranging and facilitating all deliberations in all the different spaces, which would remain the responsibility of the state and non-state actors jointly engaged in their sphere. The secretariat's additional responsibilities would include disseminating information and providing feedback on emerging policy issues and options, supporting networking and working collaboratively with partners to facilitate capacity-building of civil society groups as required. The secretariat would also ensure that sectoral groups are drawn into the cross-cutting policy deliberations, so that these voices and views feed into discussions.



Future considerations

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

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

Conclusion

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

- We have a legislative framework in South Africa, in the form of constitutional and local government provisions. What is missing is a policy framework for the national and provincial executive. This should be developed, and accom-

panied by practical guidelines. This institutionalising of participation is a topic we could not address within this paper, and it would need to be explored further.

- We need to address capacity of and resources for officials to facilitate genuinely participatory processes and address the change of mindset identified as fundamental to this initiative. Work is needed in identifying solutions to these challenging issues and for this to be integrated into the provincial executive's programme of action.
- There is a need to establish links between state institutions and civil society stakeholders at the provincial and local levels, as a basis for participatory policy-making and to enable the joint planning and facilitation envisaged.
- There is a need to provide capacity-building for CSOs seeking to engage with policy-making processes and a similar need to build a sense of agency among community groups over time. This would address information needs and include programmes on, for example, understanding policy-making, policy research, analysis and monitoring support, and advocacy training and planning.
- CSOs themselves need to question their representation of marginalised groups, acknowledge deficits in accountability and mandate, and put in place mechanisms to address this.
- Finally, the design ideas recommended on how best to plan, design and facilitate new democratic spaces need to be taken up, so that joint policy deliberation between government and civil society representatives are accessible, equitable and transformative.

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

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