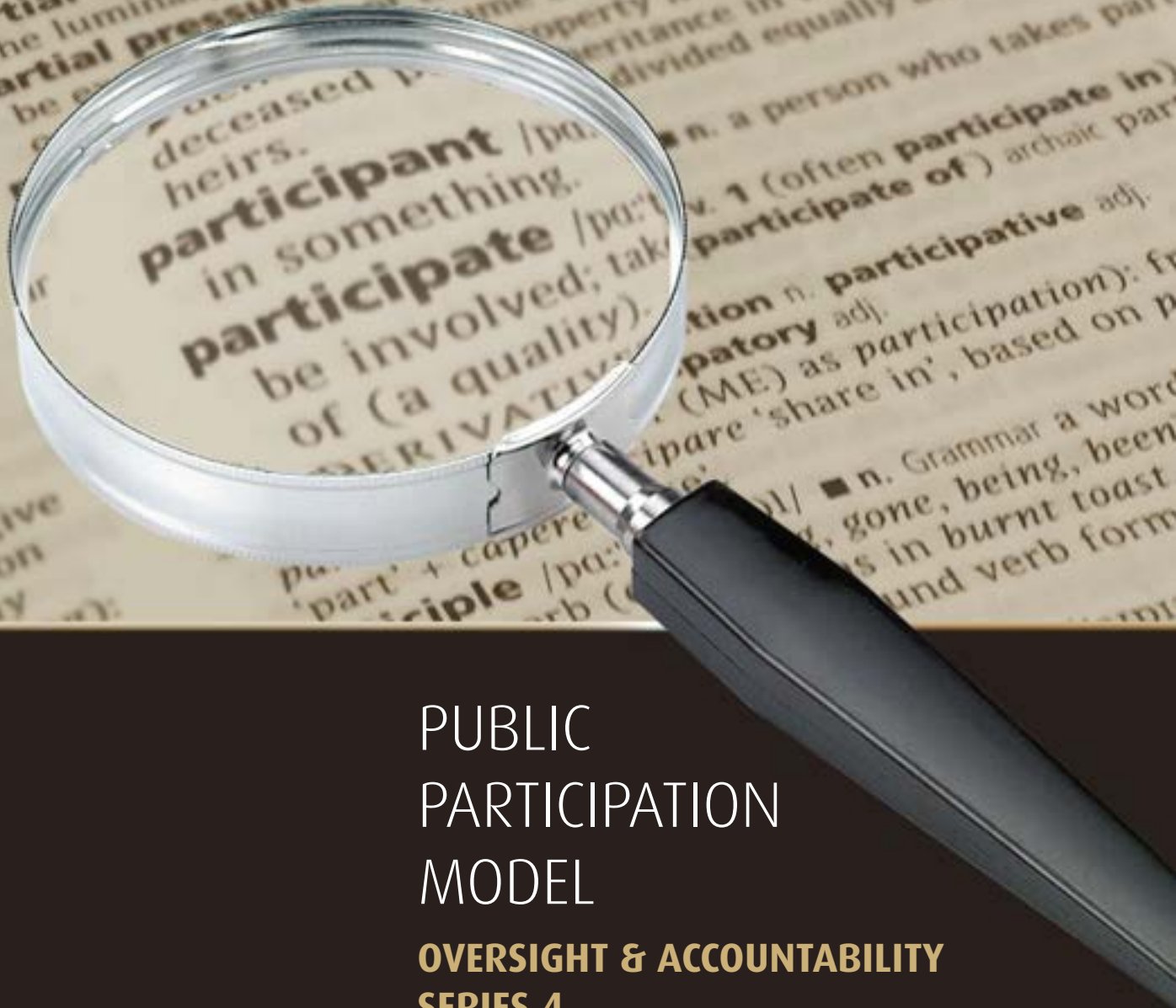




PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



PUBLIC PARTICIPATION MODEL

**OVERSIGHT & ACCOUNTABILITY
SERIES 4**



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CHAPTER FIVE

PUBLIC PARTICIPATION MODEL

A 'People's Parliament' requires an institution that prioritises and seeks active engagement with the public, and that is receptive and responsive to the needs of the people¹.

The vision of Parliament, since the first democratic Parliament of the Republic of South Africa, was and remains to build a truly representative people's Parliament.

Parliament's role and outcomes are to represent the people and ensure government by the people under the Constitution, as well as to represent the provinces and local government in the national sphere of government. In addition, the facilitation of public participation and involvement in its processes therefore remain central to the mandate of Parliament.

Public participation has evolved since the first democratic elections. The nature of public participation radically changed with the drafting of the new South African Constitution in 1996. The new Constitution asserts that South Africa is a Constitutional democracy that upholds representative and participatory democracy. In a representative context, the Members of Parliament (MPs) represent the views of the electorate whilst in a participatory democracy, the public is actively involved in decision-making processes such as law making and oversight. The intention of public participation and involvement in democratic processes is primarily to influence decision-making processes that reflect *'the will of the people'*.

Consequently, the South African Legislative Sector recognised the need to operate within a structured framework of participation. The Legislative Sector, consisting of Parliament

1 Ben-Zeev and Waterhouse (2012)

and all nine provincial Legislatures, thus conceived a Sector Public Participation Framework that provides a documented platform for shared understanding, alignment and minimum requirements and guidelines for Public Participation. The Framework was adopted by the Speakers' Forum and requires Parliament and provincial Legislatures to fashion their own Public Participation Models. It is on the basis of the Framework that this Model was developed.

5.1. Principles and Values Underpinning Public Participation

In terms of Section 1² of the Constitution (RSA, 1996), South Africa is one, sovereign, democratic state founded on the following values:

- Human dignity, the achievement of equality and the advancement of human rights and freedoms;
 - Non-racialism and non-sexism;
 - Supremacy of the constitution and the rule of law; and
 - Universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.
-
- **Principles of public involvement:** Promotion of active and representative participation towards enabling all community members to meaningfully influence the decisions that affect their lives;
 - Engagement of community members in learning and understanding community issues, and the economic, social, environmental, political, psychological, and other associated courses of action;
 - Incorporation of the diverse interests and cultures of the community in the development process, and disengagement from support of any effort that is likely to adversely affect the disadvantaged members of a community;
 - Active enhancement of the leadership capacity of community members, leaders and groups within the community; and

2 Founding provisions in the Constitution of the Republic of South Africa (1996)

- Utilisation of a community's diversity to deepen shared understanding and produce outcomes of long-term benefit to the whole community or society.

The International Association for Public Participation has developed what it considers generally accepted core values and principles for the practice of public participation, the purpose of which is to help make better decisions that reflect the interests and concerns of potentially affected people³. According to these values and principles, public participation:

- Is premised on the belief that those who are affected by a decision have a right to be involved in the decision-making process;
- Includes the notion that the public's input will be considered;
- Promotes sustainable decisions by recognising and communicating the needs and interests of all participants and decision makers;
- Seeks to facilitate the involvement of those potentially affected by or interested in a decision;
- Seeks input from participants in designing how they participate;
- Provides participants with the information they need to participate in a meaningful way; and
- Communicates to participants how their input fashioned the decision.

5.2. Goal and Objectives of the Public Participation Model

Goal

The Model seeks to outline and mainstream minimum norms and standards for public participation processes and procedures to achieve meaningful involvement of the public in the legislative and other processes of Parliament.

Objectives

The Model intends to achieve, amongst others, the following objectives:

3 www.iap2.org

- To clearly define public participation processes and procedures within the context of Parliament;
- To outline the procedure to be followed to obtain the views of the public on policy, legislation and other matters before Parliament in order to enrich the decision-making processes and to determine the timelines within which could be achieved;
- To provide for ways and means of imparting knowledge and information to communities/the public about matters before Parliament so as to enable them to participate in the decision-making processes on matters affecting them;
- To provide for ways and means of obtaining information from the public about experiences of the people with regard to service delivery and government action in order for the institutions to take the necessary action to bring about change;
- To detail the required institutional arrangements and clarify the roles & responsibilities for administration and offices within Parliament responsible for the implementation of the Model;
- To implement the High Level Panel recommendations; and
- To provide monitoring indicators for the implementation of the Model.

5.2.1. Legal Landscape: Public Participation

Since 2006, the right to participate in the legislative processes has been considered by a number of courts. The Constitutional Court in *Doctors for Life International versus Speaker of the National Assembly* placed the right within a rich historical and international context.

The Constitutional Court examined the historical development of the “idea of allowing the public to participate in parliamentary decision-making”. From the Middle Ages, the Court found, the Magna Carta guaranteed the right to petition the government. This idea became entrenched in English constitutionalism and the English colonists brought it along to the United States. Today the First Amendment to the Constitution of the United States of America protects the right to petition. The Court also referred to the Basic Law of the Federal Republic of Germany, which similarly protects the right to present



written requests to Parliament or other authorities. Recent constitutions promoting public participation in legislative functions that the Court looked at, included those of Tanzania, Portugal, and Colombia.

The Constitutional Court examined a number of international and regional human rights instruments, including the International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights, the American Convention on Human Rights, the Harare Commonwealth Declaration, the Inter-American Democratic Charter and declarations of the Inter-Parliamentary Union. It found that the right consists of at least the right to take part in public affairs and the right to vote or be elected. In concluding this part of its judgment, the Constitutional Court held that the right to political participation in international law includes, in addition these two elements, "the duty to facilitate public participation in the conduct of public affairs by ensuring that citizens have the necessary information and effective opportunity to exercise the right to political participation." The duty to facilitate public involvement in legislative and other processes of legislatures is therefore a manifestation of the right to participate in international law, although a more "specific form of political participation". The facilitation by Parliament of the involvement of the public in the law making process and the processes of its Committees has been a subject of judicial interpretation by both the Supreme Court of Appeal (SCA) and the Constitutional Court.

The SCA had an opportunity to comment on the nature of the obligation of Parliament to facilitate public involvement in the law making process in the case of *King and Others v Attorneys Fidelity Fund Board of Control and Another*. The applicants in the matter complained that in enacting the Attorneys Amendment Bill, the National Assembly failed to comply with a Constitutional obligation. According to them, the failure to facilitate public involvement in the law making process rendered Attorneys Amendment Act Constitutionally invalid. At paragraph 22, the SCA said the following:

"Public involvement" is necessarily an inexact concept, with many possible facets, and the duty to facilitate it can be fulfilled not in one, but in many different ways. Public involvement might include public participation through

the submission of commentary and representations: but that is neither definitive nor exhaustive of its content. The public may become involved in the business of the Parliament (NA & NCOP) as much as by understanding and being informed of what it is doing as by participating directly in those processes. It is plain that by imposing on Parliament the obligation to facilitate public involvement in its processes, the Constitution sets a base standard, but then leaves Parliament significant leeway in fulfilling it. Whether or not the National Assembly has fulfilled its obligation, it cannot be assessed by examining only one aspect of public involvement in isolation of others, as the applicants have sought to do here. Nor are the various obligations section 59(1) imposes to be viewed as if they are independent of one another, with the result that the failure of one necessarily divests the National Assembly of its legislative authority.”

Public participation therefore includes the duty to facilitate public involvement in legislative and other processes; the duty to conduct the business of a Legislature in an open manner and hold plenary sittings and those of Committees in public; and the duty to not exclude the public or the media from sittings of the House or Committees unless it is reasonable and justifiable to do so in an open and democratic society.

The above definition was endorsed by the Constitutional Court in *Doctors for Life International v Speaker of the National Assembly and Others* and in *Matatiele Municipality and Others v President of the RSA and Others*.

The judgement of the Court in *Doctors for Life* explains the meaning of public involvement and gives guidance on what is expected of a Legislature in fulfilling this obligation. The Court found that the plain and ordinary meaning of the words ‘public’, ‘involvement’ or ‘public participation’ refers to the process by which the public participates in something. “Facilitation of public involvement in the legislative process, therefore, means taking steps to ensure that the public participate in the legislative process. That is the plain meaning of section 72(1) (a).”

The Court in *Doctors for Life* indicated that Legislatures have a significant measure of



discretion in determining how best to fulfil their duty to facilitate public involvement in its processes. Furthermore, although the measures required by the constitutional obligation may vary from case to case, a Legislature must act reasonably. Further, that what is ultimately important is that a Legislature has taken steps to afford the public a reasonable opportunity to participate effectively in the law making process.

Judge Sachs said:

“All parties interested in legislation should feel that they have been given a real opportunity to have their say, that they are taken seriously as citizens, that their views matter and will receive due consideration and could possibly influence decisions in a meaningful fashion. The objective is both symbolical and practical: the persons concerned must be manifestly shown the respect due to them as concerned citizens, and the legislators must have the benefit of all inputs that will enable them to produce the best possible laws. An appropriate degree of principled yet flexible give-and-take will therefore enrich the quality of our democracy, help sustain its robust deliberative character and, by promoting a sense of inclusion in the national polity, promote the achievement of the goals of transformation.”

5.2.2. Public participation and involvement in context

Although sections 59(1) (a) and 72(1) (a) of the Constitution refer to ‘facilitation of involvement’, within the South African context it seems to be generally accepted that “involvement” and “participation” are used interchangeably. For the purposes of this Model, no distinction will be drawn between the two concepts.⁴

There may be several and different definitions of public participation, but central to the definitions is the acknowledgement that institutions with decision-making powers must involve in the decision-making process those who are likely affected by such decisions.

The International Association for Public Participation defines public participation as “to

⁴ There is no distinction between public participation and public involvement in this Model.

involve those who are affected by a decision in the decision-making process. It promotes sustainable decisions by providing participants with information they need to be involved in a meaningful way, and it communicates to their participants how their input affects the decision.

Some of the practices include involvement in public meetings, surveys, workshops, polling, citizen advisory Committees and other forms of direct involvement with the public. Furthermore, public participation includes all aspects of identifying problems and opportunities, developing alternatives and making decisions. It uses tools and techniques that are common to a number of dispute resolution and communication fields.”

The Draft National Policy Framework for Public Participation 2005⁵ defines public participation as “an open, accountable process through which individuals and groups within selected communities can exchange views and influence decision-making. Further, as a democratic process of engaging people, deciding, planning, and playing an active part in the development and operation of services that affect their lives.”

In simple terms, public participation may be defined as a process by which Parliament consults with the people (interested or affected individuals), groups, communities, organisations, and civil society and government entities before making decisions to enable them to participate in the processes leading to that decision. Public participation is a two-way communication process with the goal of reaching better and more acceptable decisions.

5.3. Overview of the Model

The Model intends to provide a shared understanding on and alignment of processes, and set minimum requirements and guidelines for the involvement of the public in the legislative and other processes of Parliament and those of its Committees. This Model also attempts, although not exhaustively, to set out goals and objectives, outline public participation mechanisms, determine a best Model that would fit Parliament, the role

⁵ Department of Co-operative Governance and Traditional Affairs (2005; 2007)

of public education and information dissemination, meaningful public participation opportunity, institutional co-ordination of public participation programmes and reporting on the outcomes thereof.

It also details the above elements and encapsulates the various processes that have been undertaken through desktop research and comparative studies, survey interviews, briefing sessions, review workshops and focus groups.

Figure 5.1 below, adapted from the Ladder of Participation⁶ to reflect a best approach, depicts that each stage of public participation has a corresponding increase in the opportunity for public input to influence or impact on decision-making processes of decisions affecting their lives.

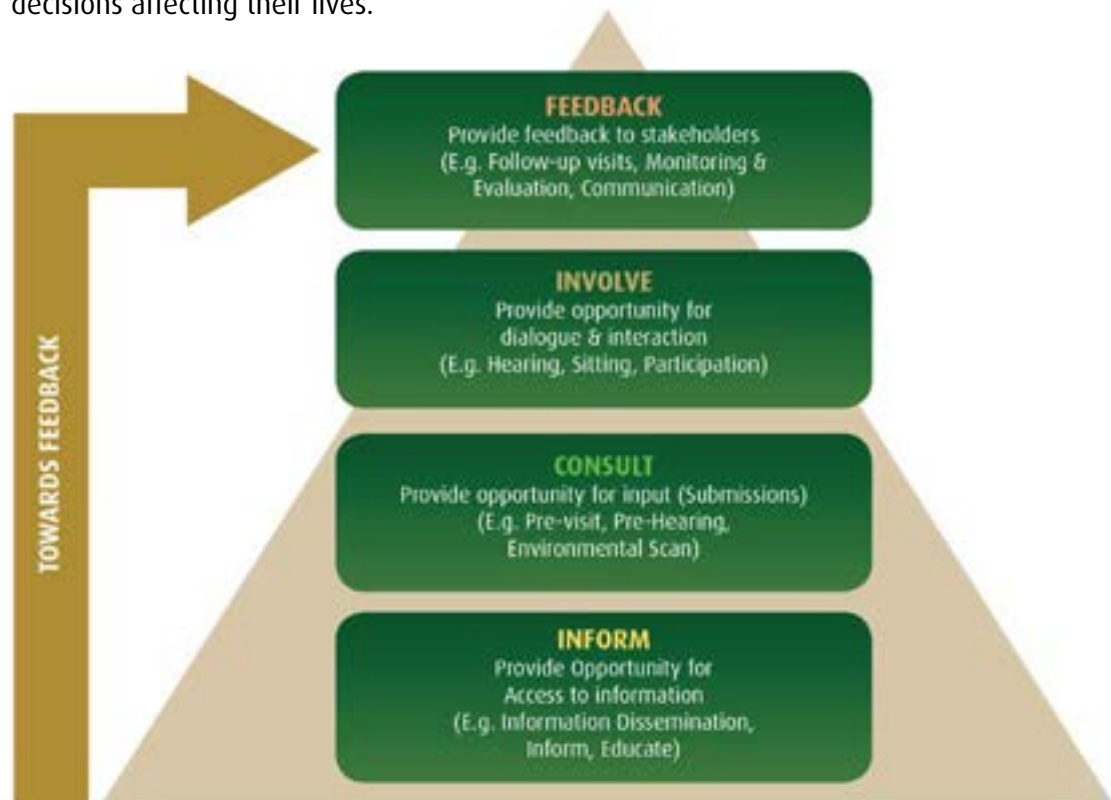


Figure 5.1: Parliament's Public Participation Model (PPM)

⁶ Arnstein (1969)

5.3.1. Minimum Standards for Effective Public Participation

Minimum standards for effective public participation are sets of guidelines for meaningful public involvement in decision-making processes by those affected by the decision involved. Public Participation standards in line with the Constitutional prescripts and legal requirements include, informing, educating and creating meaningful opportunity for the public to participate in the decision-making of an issue that affects their lives. In addition, reporting, feedback and monitoring and evaluation becomes pivotal for the purposes of tracking the outcomes of a given public participation opportunity and thereby perpetually ensure effective public participation.

The Model recognises informing, consulting, involving and collaborating as stages of effective public participation. In line with the minimum public participation standards articulated above, informing and educating is undertaken under the informing stage of public participation. Meaningful opportunity to participate is provided for under consulting, involving and feedback stages of public participation. Although the informing stage is the pre-requisite for public participation, the other stages can be deployed based on the context and the public interest generated by contextual issues at hand.

Of the above-mentioned stages, the following applies:

- Parliament cannot provide feedback to the public without first informing, consulting and involving;
- Parliament cannot involve the public without first informing, consulting;
- Parliament cannot consult the public without first informing the public; and
- Informing therefore becomes an absolute pre-requisite for effective public participation.

As a result, each stage has a corresponding increase in the opportunity for partnering and for the public to influence or have input into the relevant process output/outcome. Meaningful public participation must ensure that the appropriate stage of participation is utilised. A public participation process should therefore provide for stages of participation



that are commensurate with the level of public interest. Parliament, in its obligation of involving the public, must endeavour to satisfy all stages that are depicted in figure 2, as it applies to a given context of facilitating public participation.



Figure 5.2: Stages of Public Participation

Inform

This stage provides opportunity for access to information and is an absolute pre-requisite for effective public participation. Parliament cannot undertake public consultation, involvement and feedback without first providing information and education relevant to the context of the public participation opportunity under pursuit.

The key components (tools) of the 'inform' stage includes information dissemination, informing and educating the public in order to meaningfully participate in the decision-making processes regarding issues that affect their lives. These key components, if done effectively, would result in public empowerment, which in turn results in active citizenry.

Informing and educating can take the form of, but is not restricted to:

- Subject specific information;
- General, non-specific information;
- Educational material;
- Educational workshops;
- Specific information relating to bills or issues of national or local importance;

- Specific information relating to public hearings, or opportunity for public participation; and
- Feedback to the public on issues that previously emerged through the public's interaction with Parliament, i.e. the Public Participation Model.

Information dissemination, inform (raising awareness) and educate are not only basic requirements that all public participation mechanisms must follow, but an area that Parliament can commit to perfecting over the course of the 5th Parliament to strengthen public participation in its processes.

The nature of the 'inform' stage (information dissemination, inform and educate) will be in line with the context of a given mechanism. Details on the 'inform' stage tools will be unpacked in the implementation planning of various mechanisms.

Consult

This stage provides opportunity for public input in order to influence the relevant decision-making process. However, the public must first be informed before embarking on any consultative processes output. Consultation in anticipation of public involvement increases the appropriate contextualisation of issues at hand to ensure that the process solves or addresses the problem.

The key components of the 'consult' stage typically involves the distribution or presentation of information requested for public comment or submissions on the information provided or gathered.

Consultation can take the form of, but is not restricted to:

- Hearings;
- Focus groups;
- Public or community meetings;
- Tours or interviews followed by questionnaires that solicit feedback;
- Synthesising and reporting on input received from the public;



- A public comment or hearing period and request for written submissions; and
- Feedback to the public.

Involve

This stage provides opportunity for public dialogue and interaction. However, prior to involvement, the public should first be informed and then consulted on the matter or issue for consideration at hand. Effective public involvement encourages two-way communication with the focus on consideration of public inputs, interests, issues and concerns.

The key components of the 'involve' stage can include, amongst others, mutually accepted objectives, such as jointly identifying and addressing one or more specific issues.

Involvement can take the form of, but is not restricted to:

- Hearings;
- Round table discussions;
- Facilitated public meetings; and
- Interactive small group discussions.

Feedback

This stage provides opportunity for Parliament to provide feedback to the stakeholders. This can only be achieved through consolidated informing, consulting and involving. The key component in the 'feedback' stage entails providing feedback to stakeholders about issues at hand. This stage provides opportunity for stakeholders to be informed about the status of an issue and the plans intended as interventions to address the concerns identified.

Feedback can take the form of, but is not restricted to:

- Follow up visits to communities;

- Information dissemination;
- Communication; and
- Monitoring and evaluation reports.

Effective informing will result in an active citizenry that can take advantage by creating public participation opportunities. The consulting, involving and feedback stages which will be deployed subject to the context of the public participation mechanism involved and public interest generated by contextual issues at hand. Furthermore, the Model promotes the notion of partnering, which inherently exists in each stage by virtue of the context represented.

5.4. Public Participation Best-Fit Approach

Public Participation 'Best Fit Approach' is about crafting institutional Models that take into cognisance the institutional characteristics such as goals, culture and business processes.

Conscious of Parliament's constitutional obligations to facilitate the involvement of the public in the legislative and other processes, the Model seeks to enhance the processes previously followed for public participation and provide for an opportunity to provide feedback to the public. It is pertinent to outline the relevant role players in this pursuit of public participation best fit Model. Furthermore, it outlines public participation practices in the context of Parliament.



Figure 5.3: Best-Fit Approach – Public Participation Model

Figure 5.3 illustrates the flow of public participation related processes within Parliament. The Model above depicts the following:

- Input and output of information;
- Structures and role-players responsible to facilitate public participation; and
- The mechanisms and processes through which public participation is facilitated.

5.5. Parliament's Public Participation Mechanisms

There are different mechanisms through which the public can participate in the processes and activities of Parliament. The Model presents a public participation prototype process that institutional public participation mechanisms can mirror with due consideration to the context of individual mechanisms.

The proposed public participation prototype process may include the following:

- Project/Programme Plan
 - concept development;
 - project/programme management plan; and
 - budget.
- Governance
 - establish political and administrative structures
- Stakeholder identification and consultation
- Logistical arrangements: SCM
- Pre-visit (inform, educate, consult)
 - environmental scan;
 - preliminary visits;
 - public meetings; and
 - public education and mobilisation.
- During (provide involvement opportunities)
 - undertaking of the actual visit / cluster visits / Sectoral engagements
- Post visit (feedback, monitoring and evaluation of programme outcomes)
 - report;
 - feedback; and
 - monitoring and evaluation.

These minimum standards include time frames as it applies to each context.



The minimum standards for the petitions process include:

- Consideration of petitions;
- Preliminary investigation;
- Referral to Committee;
- Feedback; and
- Monitoring and evaluation.

Parliament's public participation mechanisms amongst others include People's Assembly, Taking Parliament to the People, and Taking Committees to the People, Sectoral engagements, Petitions and Participation in law making and other processes. A summary of individual public participation mechanisms is provided below.

People's Assembly (PA)

The People's Assembly (PA) can be described as a deliberative tool or vehicle through which Parliament provides public opportunity to engage with the people in order to address matters of mutual interest. It is a tool that promotes the notion of participatory and representative democracies. This programme provides a platform for people's voices to be heard. It is representative of the people, to bring Parliament closer to the people and champion issues affecting them. The People's Assembly is a unique platform for dialogue between Parliament and the people it represents.

The People's Assembly is a public participation process that starts at national level and moves through provincial and district levels, down to municipal level. It has representation from each level at the national event. It is designed to reach out across the length and breadth of the country to all the citizens in South Africa to tap into ordinary people's wisdom in seeking solutions for the challenges faced.

The Speakers' Forum has adopted the PA as a programme of the Forum and it therefore carries the support of all the Legislatures in the country. It is part of the legislative sector's political programme. As such, the theme and discussion topics need to reflect the political needs of the institution. Thematic areas are informed by Parliament's strategic goals. Identifying issues and challenges being faced by the country and its people at a particular

time, further develop the discussion themes.

Taking Parliament to the People (TPTTP)

Taking Parliament to the People Programme (the Programme) involves the sitting of a House and its Committees outside the ordinary precincts of Parliament. This normally takes place in the remotest of areas where there is little or no infrastructure to accommodate public hearings and the sittings of the House.

The Programme serves the purposes of giving to those who would not normally have it, an opportunity to be exposed to the working of Parliament, involving them in its processes, interacting with them on issues of service delivery and promoting co-operative government. This brings together Members of Cabinet at national and members of the Executive Council at provincial level and Municipal Councillors at local government level, thus facilitating direct interaction between the public and public representatives from all three spheres of the state.

It includes public hearings, public meetings, oversight visits by Committees to predetermined sites and the ordinary sittings of the House.

The National Council of Provinces (NCOP) conceived of the Programme in 2002 and since then it has visited all the provinces. In the ordinary course of events, the programme is conducted during March and November of every year.

The last day of the sitting is normally reserved for the formal sitting of the NCOP, which is addressed by the Deputy President in March and the President in November. As a minimum, this initiative should be undertaken at least twice a year.

Taking Committees to the People (TCTTP)

In order to facilitate meaningful participation by the public and deepen democracy, Committees of Parliament must hold some of their meetings in community venues which are more accessible to more rural parts of the country. Such meetings must be planned to be of high relevance to identified communities and to focus on legislative process, service



delivery or any other matter affecting those communities. Depending on the nature of the subject matter of the meeting, Committees of Parliament may undertake this programme as joint Committees or in a cluster to ensure higher impact and efficient use of resources. As a minimum, this initiative should be undertaken at least once a year.

Sectoral Engagements

These focus on identified special interest groups by providing them with a platform to raise issues they face on a daily basis relative to service delivery, implementation of laws or government policies as well as an opportunity to present recommendations or remedial action to Parliament.

Parliament may organise and hold special discussions or debates on matters concerning various sectors such as workers, youth, women, senior citizens, persons with disabilities, or any other group that may be identified by Parliament.

These may take different forms such as round table discussions or any other form that Parliament may determine. As a minimum, this initiative should be undertaken at least twice a year.

Public Participation in Law making

The facilitation of public participation and involvement in the legislative processes is central to the mandate of Parliament. Sections 59(1) (a) and 72(1) (a) of the Constitution enjoin the National Assembly (NA) and the National Council of Provinces (NCOP) to facilitate the involvement of the public in their legislative and other processes respectively.

Processing of Petitions

An individual or group may define a Petition as a written request, complaint, or representation addressed to the Institution after having exhausted other avenues. This can either be on service delivery or policy matters.

The petitions process is divided into the following high arching Phases: Consideration, Preliminary Investigation, Referral and Appeal.

Committee specific

Involving the public and/or civil society in oversight and law making is central to the mandate of Parliament. The public has access to all sittings of the Houses as well as Committee meetings. Members of the public may attend meetings of Committees and may speak in those meetings only with the permission of the chairperson of a Committee. This represents a very limited form of involvement as it relates mostly to observing the proceedings of either a House or Committee.

5.6. Oversight Functions Requiring Public Participation

Annual Performance Plan

This Model requires constant enlistment of external information input for independent verification. The annual performance plan stage is more rushed than the budget process. However, this process still requires an effort to obtain as much external input as possible in order to assist the support staff and the Committee.

A unit responsible for public participation in Parliament must play a key role in assisting with the co-ordination and liaison with civil society groups.

In addition, such a unit must:

- Ensure that there is sufficient involvement of the people through publicising scheduled Committee meetings;
- Ensure that the performance plans are available to the people and stakeholders for effective input; and
- Invite stakeholders of a Committee and affected communities to attend meetings where departments will be presenting performance plans.

The Appropriation Bill/Departmental Vote

Once the Appropriation Bill/departmental votes are tabled in Parliament, the Committee support must immediately circulate these to all the contacts on the stakeholder lists of their Committees. Two lists are recommended. The first include experts, institutes, academics and other professional bodies. The second include Community-Based Organisations, community-based interest groups, that is, parent-teacher associations, worker's associations, police officer unions; teacher unions; and other similar bodies that are beneficiaries of a particular service.

These stakeholders should know that they have approximately 1-2 weeks to make a submission to the Committee support. The Committee support must process and circulate these submissions to all Members of a Committee and other support staff. The Committee then requests certain stakeholders to make presentations based on their submission(s), where necessary.

The inputs from external sources are intended to further equip a Committee for its engagement with a department. These inputs represent the Committee's access to non-official data and perspectives, and where these inputs are substantial, they may even present the Committee with an 'independent verification' source against which to measure the official data and information presented by a department.

A unit responsible for public participation in Parliament should play a key role in assisting with the co-ordination and liaison with civil society groups. In addition, such a unit must:

- Ensure that there is sufficient involvement of the general public through the publication of a Committee schedule of meetings;
- Guarantee that there is a synopsis of a report that the Committee will be dealing with, for example, the Citizens' Version of the Annual Report; and
- Ensure that one of Committee meetings is held in communities to ensure and solicit community-based verification, where necessary and practicable.

Committee stakeholder lists cannot feasibly include the general public in its entirety. However, the Public Participation support should assist Committees in publicising Committee meetings on a department's budget on a continuous basis.

Quarterly Reports

This Model requires constant enlistment of external information input for independent verification. The Quarterly Report stages, though more rushed than the budget as they are, still require a concerted effort to obtain as much external input as possible. This is in order to assist the support staff and the Committee at the earliest and intermediate stages of a Committee's consideration of progress on a certain priority. It is likely that the most useful information sources for the Committee will be those that can provide clarity on the state of implementation of a department's programmes. A unit responsible for public participation in Parliament should play a key role in assisting with the co-ordination and liaison with civil society groups. In addition, such a unit must:

- Ensure that there is sufficient involvement of the general public through publicising scheduled Committee meetings;
- Ensure that there is a synopsis of a report that the Committee will be dealing with – for example the Citizens' Version of the Annual Report; and
- Schedule at least one of its meetings to be held in communities to solicit community-based verification, where necessary and practicable.

Annual Report

The emphasis at this stage is on whether government has achieved intended outcomes of service delivery, and the measurable indicators agreed upon for the financial year in question, and rendering independent verification crucial to the efficacy of the Committee's engagement with the department. Stakeholder inputs are provided for at every stage but at the Annual Report stage, independent sources of information are used to confirm that the department is actually meeting the priorities it set out to satisfy at the start of the financial year in question.



A unit responsible for public participation in Parliament should play a key role in assisting with the co-ordination and liaison with civil society groups. In addition, such a unit must:

- Ensure that there is sufficient involvement of the general public through publicising scheduled Committee meetings;
- Ensure that there is a synopsis of a report that the Committee will be dealing with, for example, The Citizens' Version; and
- Schedule at least one of its meetings to be held in communities to solicit public input.

Strategic Budget Review for outer years

The Medium-Term Budget Policy Statement (MTBPS) allows a department to anticipate its budgetary allocations for the coming three years.

Public participation takes on added importance during the MTBPS stage, since it is at this stage, more than at any other stage in the oversight cycle, where an impact can be made on the department's budget. All stakeholders should be requested to make submissions, and must be provided more time and opportunities during this stage to make presentations, from community members to community-based organisations and experts.

In addition, as many of the stakeholder representatives and groups as possible should be encouraged to attend presentations by departments and the Committee's interaction with the department. This is to provide some form of immediate external verification to evidence by the department on its delivery performance over the years.

5.7. Enablers for Effective Public Participation

Various structures and processes would be established to assist the enabling of public participation. These would consider elements that envisage to bridge the divide between Parliament and the people by communicating the programmes of Parliament and to hear concerns that the public has on the delivery of services by government institutions, as

well as the consideration of policies by facilitating the processing of relevant submissions and petitions.

Furthermore, these structures and processes should be accessible to the most remote locations in under-serviced, under-resourced and deep rural areas to provide communities in these areas an opportunity and mechanisms to take part in the legislative processes and activities of Parliament in order to fulfil its Constitutional duty of meaningful public participation with the ultimate aim of deepening democracy and promoting active citizenry. Upon the establishment of emerging enablers, minimum guidelines should be developed for these enablers in order to become national footprints for effective public participation.

5.8. Resourcing

This Model requires commitment of both financial and human resources in order for it to be implemented. It is recommended that Parliament implement the Model on an incremental basis to achieve set implementation milestones. The Model implementation will require the synchronisation of not only the processes and programmes of both Houses and Committees, but with those of the Legislatures and municipal councils to allow for minimum disruptions in the functioning of the Legislatures and municipal councils. The implementation would also call for the review of the structural arrangements within Parliament.

Currently there are various structures supporting this function in a truncated manner. There is a need to audit currently available resources to eliminate inefficiencies and maximise economic and effective utilisation of resources. The following provides an example of resources required to implement this Model:

Financial Resources

A specific line item may have to be dedicated to public participation in the budget at an institutional level and level of Committees.



Human Resources

Appropriately qualified human resources must be dedicated to the following areas:

- Public hearings;
- Sectoral engagements;
- Public education and outreach;
- Petitions;
- Communication and co-ordination; and
- Public mobilisation.

5.9. Institutional Co-ordination: Planning, Co-ordination and Reporting

Institutional coordination for Public Participation must include the areas of planning, co-ordination, reporting, monitoring and evaluation.

Planning

Each Parliamentary Committee must provide its requirements in terms of Public Participation, derived from its planning process each year. These requirements need to be communicated clearly upfront to the functionaries responsible for supporting public participation for scheduling and resourcing, which is to be outlined in the strategy of Parliament.

Co-ordination

To ensure co-ordination across all of the public participation mechanisms within Parliament, all relevant functionaries/services, including public education/participation, research, legal, Hansard, languages, supply chain, finance, Committee services, communication and the administration in both Houses must co-operate to ensure proper co-ordination of public participation processes.

Reporting

Tangible reporting on public participation processes must be undertaken at least once

a quarter. This reporting process needs to indicate what outcomes have been achieved in terms of the public input. This should include the processes followed to achieve the desired outcome. The outcome should also indicate how the participation has improved the legislation/decision-making ability of Parliament.

Feedback

For the involvement of the public in the processes of Parliament to enjoy legitimacy and continued support from the people, it is critical that Parliament should continuously report to the people on matters/decisions on which they were involved. Feedback is required in order to “close the loop” between the initial public participation opportunity, and the final action taken on that input. This feedback needs to be tangible, relevant and timely. This means that as part of this Model, a clear timeline must be pre-determined within which the relevant stakeholder group/individual is provided with feedback in a form that is useful to them.

5.10. Public Involvement Index

5.11. Summary

The Public Participation Model was developed to integrate public participation into the core functioning of Parliament. The Model therefore serves to inform all public participation programmes of Parliament as well as all supportive communication initiatives. The next chapter presents roles, responsibilities and recommendations for the Oversight and Accountability Programme.



PUBLIC PARTICIPATION MODEL

**OVERSIGHT & ACCOUNTABILITY
SERIES 4**



PARLIAMENT
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PUBLIC PARTICIPATION **IN ACTION**

