

# Taking Parliament to the people

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On 24<sup>th</sup> October, the KwaZulu-Natal Legislature held a unique public consultation at Pietermaritzburg City Hall. Its objective was “to develop a people’s public participation model for Parliament and Provincial Legislatures.” Coincidentally, less than two weeks prior to the legislature hearing, I delivered a presentation to officials from the Office of the Premier and Provincial Treasury on a very similar theme – how to enhance public participation in the *administration* of government. MPLs make the policy, their officials implement the policy.

Our Constitution promotes the right of citizens to participate in the affairs of Parliament, Provincial Legislatures, and local government. They commit government to making its business open to public observation, but more critically to “facilitate public involvement in the legislative and other processes of the Assembly and its committees.” How it does this is possibly the most contentious issue of the relationship between state and citizens.

The tension lies in the nature of our democracy. The dominant paradigm is one of constitutional democracy – the right to vote. The achievement of that right was the cornerstone of the 1994 dispensation. But as the talk at the recent ANC policy conference was about the “second (phase of the) transition,” there is a widespread acknowledgement that rainbows – nations or any other – have an elusive pot of gold at the end of them. In our case it is reflected in deeper levels of poverty and citizen dissatisfaction.

There has been an increasing tide of service delivery protests which started directly after the 2006 local government elections. It led to a “hear the people” outreach exercise by senior parliamentarians and officials that culminated in Cabinet adopting a National Turn-around Strategy for Local Government in November 2009. What has happened since? The number of service delivery protests has grown from 2 a month in 2008 to 16 a month in 2012 – that is one every second day – and they have been accompanied by escalating levels of violence. There has been no improvement in local government performance, as evidenced in the handful of municipalities who received clean audits again last year.

A consistent message in the Turn-around Strategy is that public participation is critical to restore public confidence. As Deputy President Kgalema Motlanthe reiterated when addressing National Council of Provinces in March 2011: “Our findings... have been that there is a lack of meaningful participation by communities and local stakeholders in the IDP process...It is clear that there is a need for collective ownership of the development process and strengthened relations between ward committees and independent civil society formations in the promotion of meaningful engagements between local government and community members.”

How does it affect provincial and national government and administration? Their functions fall into two categories – policy making, and performance management. For those who are unfamiliar with legislative processes, a Green Paper is published to create space for input and debate on a policy issue without actually committing to any specific action. A White Paper is a more authoritative draft policy document, which indicates that legislation is in the making.

As was highlighted during the recent, vigorous lobbying against the Protection of State Information Bill, those consultative processes are sound in theory. But in practice, the ruling party has such a majority that it can consult and still push through legislation in whatever form it sees fit. The one exception in recent times was when we saw two Ministries at odds with each other. That was over the Traditional Courts Bill and its alleged

breach of our Constitution's commitment to fairness and equality, in terms of both gender equality and jurisprudence.

There are occasions when the Legislature has sittings outside Pietermaritzburg in order to "bring the legislature closer to the people." Portfolio Committees are crucial oversight bodies where Members of Parliament and Provincial Legislatures take officials to task for departmental performance. In both instances, the public can attend and observe, but there is no space for public input or engagement.

So do people really have power, and the confidence to say that their efforts will make a difference? In that limited space at City Hall, government was not adopting its usual "we know best" position, and is genuinely inviting input. There is a discussion document. Unless you gave up a day's work (or it was in the nature of your work) to attend the hearing, you would not know.

Some of us are privileged to be able to afford to buy our news where the advert for the meeting was placed, and more of us are privileged to live in the city that is the seat of the provincial legislature. But take a senior citizen living in a remote rural area, who has been denied a pension because her ID was stolen. Or an applicant for a housing subsidy who is told he does not qualify because his ID was used by someone else to get an RDP house in Gauteng. Where do they go when they fail to obtain redress?

There is so little space for public engagement with government that people frequently use the wrong platforms to vent their frustration. People attending this hearing complained that their Ward Councillor and/or Committee never call community meetings. They were in City Hall only 6 months ago expressing the same complaint during the municipality's budget consultation, and again when the Public Protector held a national roadshow.

The first area for improvement is to make government – all three tiers -- more visible and accessible. It needs time and effort to do this effectively, but it is a necessary cost and provided for in enabling legislation. It is the "effort" part that is so often wanting in our public service. Council offices, shopping centres, and taxi ranks, where there are volumes of pedestrian traffic, are all useful information hubs. Notices must also be informative in content. You can't expect people to come to a meeting if they don't know what is on the agenda.

The second area for improvement is in the spaces for consultation. Where the public is not "invited" to engage meaningfully, people "invent" space in the form of petitions, marches, and protests. This is acknowledged by government as an essential component of democracy. The hearing itself was convened by the "Standing Committee on Public Participation *and Petitions*."

Public opinion on service delivery needs to be elicited in a structured and systematic manner, not just when a failure of public confidence reaches crisis proportions. The Monitoring and Evaluation Unit in the Office of the Presidency has just launched a draft Framework for Strengthening Citizen Participation in Monitoring of Government Service Delivery. It should be replicated in all three tiers of government. Finally, the work of oversight bodies such as Portfolio Committees would be strengthened if the public was afforded space to make representations *before* they engage with reports from officials. That is the ultimate reality check.

Copies of the discussion document and details of how to make written representations can be obtained from Thulebona Ngcobo on 033 355 7017 or e-mail [ngcobot@kznlegislature.gov.za](mailto:ngcobot@kznlegislature.gov.za).

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