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Facilitating Public Participation in the Eastern Cape Province: A Case Study of the Centre for Governance in Africa

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FACILITATING PUBLIC PARTICIPATION IN THE EASTERN
CAPE PROVINCE: A CASE STUDY OF THE CENTRE FOR
GOVERNANCE IN AFRICA

Paul D. Lemaistre

SIT Cape Town: Multiculturalism and Social Change, Fall 2005

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ABSTRACT:

Decreasing amounts of public participation threaten to undermine the legitimacy of democracy in South Africa. Numerous surveys, academic resources and Internet and print media indicate general trends among the citizenry that a disconnection and dissatisfaction towards government is prevalent. As a result, the South African public has extremely low levels of public participation for a nation with such a politically charged past. It has become the objective of many civil society organizations to help with the delivery of vital developmental goals, including democracy advocacy, on behalf of the citizens.

This paper seeks to examine the efforts of a single NGO, the Institute for Democracy in South Africa (Idasa) through its Centre for Governance in Africa (CGA) programme, in facilitating public participation. The CGA runs programmes in the Eastern Cape province of South Africa, a region identified in numerous reports as having low levels of infrastructure and public participation. The organization engages with local partners to develop a variety of methods that encourage public participation amongst civil society organizations. These include the development of a reference toolkit for civil society organizations and the facilitation of public hearings. These steps are taken to provide the capacity and means for individuals and organizations to engage with formal government structures. The research for this paper revolves around a practicum completed with the CGA during three weeks. I used a variety of research methods, including interviews with CGA staff members, independent research on public participation in South Africa and Internet and print media sources.

The conclusions section of this piece contextualizes CGA programmes within the broader scope of public participation. It is concluded that the CGA's efforts in the Eastern Cape are still in the midst of development. There are various obstacles to be addressed to facilitate public participation, including that of logistics and capacity-building. By adopting the middle ground and creating new solutions to identified problems, the CGA programme appears to be effective in linking civil society to government structures.

ACKNOWLEDGEMENTS:

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BACKGROUND CONTEXT:

South Africans that I have conversed with amongst my home stay families and in organized settings often communicate dissatisfaction, disappointment and frustration with their elected government. No individual among those I have spoken with expressed any interest in voting, participation in local government forums, engaging with their counsellors, writing letters or any other activity by which they could persuade their elected representatives. The South African constitution and other documents provide for active public participation. Despite these legislative conditions, the contrast between the provision of this participation and the sentiments of those I spoke to is replicated in many surveys, published sources and media articles conducted by civil society and the media.¹ Whilst political parties do not directly address the issue of participation, a number of prominent academics and politicians have expressed concern and frustration at the slow rate of service delivery, delivery performance, unresponsiveness of officials and even hostility of officials to the public. As such, people in government and civil society organizations, including development NGOs, emphasize the need for public participation in changing capacity and improving resources.² Given this disconnection – the gap between policy and practice – I decided to research measures by which NGOs facilitate public participation.

¹ Khosa, Meshack M. "Participation and Democracy: Is there popular consent in support of the Constitution?" in Calland, Richard and Paul Graham, eds. Idasa's Democracy Index: Democracy in the Time of Mbeki. Idasa: Cape Town, 2005. 121-147

² Mattes, Robert. "South Africa: Democracy without the People?" *Journal of Democracy* Volume 13, Number 1 January 2002.

I conducted focus group interviews with residents of the Cape Town areas of Langa and Bo-Kaap³. Most of these respondents were members of the home stay families that I had previously stayed with. One Langa respondent (Male, aged 30) replied that he found his vote was “useless’ when asked if he was planning on voting in the upcoming 2005 local government elections to replace those officials he found upsetting. All three Langa residents (including Male, aged 31 and Female, aged 29) revealed no intentions to vote and cited unemployment, poverty and lack of service delivery as being the main causes for their lack of participation. The Bo-Kaap Muslim respondents said that they lacked the time and interest to participate in government. For them participating was not a priority and was also a ‘useless’ activity. They also felt bitterness towards their local representatives but more because they felt that their concerns were ignored in favour of those of the blacks’. “People on this side of town are not part of the government”, said one respondent (Female, aged 25). There was a general feeling in the Bo-Kaap group that those issues that were paid most of the attention today were those that were ‘black issues’, including housing and HIV/Aids healthcare. The Bo-Kaap respondents (omc;idomg Male, aged 27 and Female, aged 45) claimed to be aware of their right to participate and knew that they could go to the civic centre for complaints or concerns that they had. They were familiar with their ward counsellor and other local representatives, but actively chose not to consult them. In this way public participation was not an option because the respondents felt that the system could not address their problems, rather than them not understanding their civic rights.

Though the two respondent groups held different concerns, both revealed a lack of public participation in government structures. Neither group believed that involving

³ The Langa residents would historically be classified as black Africans, and the Bo-Kaap residents as Muslims, a subgroup of the ‘Coloured’ classification. These categorizations were established in the Population Registration Act of 1950 during the apartheid era.

themselves and participating in government could solve their concerns. There were common themes of dissatisfaction, but the practical issues were different. The Langa respondents were very politically active and aware but were dismayed by the performance of their officials. In contrast, the Bo-Kaap respondents were not informed or interested in politics. They did not consider public participation as a viable option and chose other means to address their concerns. Both focus groups expressed a distance from the political system. All respondents expressed an inability to make officials and counsellors accountable to them, which made the respondents feel disenfranchised as citizens.

METHODOLOGY:

The focus groups served as introduction for me and spurred my interest in the issue of public participation. They do not serve as the basis for this paper. The issue of public participation in democracies and electoral systems was of interest to me prior to coming to South Africa. I had previously worked with democracy NGOs in Indonesia and was aware of the challenges and issues facing large, multicultural societies.

I was motivated by these occasions with my Langa and Bo-Kaap home stay families and by past work experience to complete a *practicum* with the Institute for Democracy in South Africa (Idasa) in their Centre for Governance in Africa (CGA) programme in Cape Town. I was able to gain hands-on experience with the organization to learn about its programs and understand the issues that it was engaging with. I was with CGA from Monday, November 14 until Friday, December 12.⁴ My 'practicum-based ISP' saw me adopt the role of a *participant observer* with the Democracy Strengthening in Africa project of CGA. My research focuses primarily on CGA's initiative in the Eastern Cape. I have used my experiences with the CGA to contextualize their projects and place them within a broader discussion of NGO work in the field of democratic and governance development. For my *qualitative* study, I use the CGA as a case study of good practices by an NGO – a model for intervention and facilitation. My research as a participant observer consisted of three methods. First was a range of office tasks for CGA programmes in the Eastern Cape and neighbouring African countries – these are outlined below in greater detail. Second was a set of interviews conducted with members of the CGA staff about the CGA programme and its effectiveness. Third was

⁴ In total I was with CGA for approximately 105 hours, working on average 8-hour days from 0830am to 1630pm.

independent research of academic sources, print and Internet media, Idasa briefings and reports and documents such as the Afobarometer survey. I use these methods to inform my conclusions of CGA programs in facilitating public participation. During the course of my practicum I kept a Daily Log where I took note of my work with the organization. For purposes of clarity and organization I have decided to integrate this log into the paper rather than keep it separated as a section.

Idasa is an independent non-profit NGO promoting good democratic governance practices in South Africa and regional neighbours. It works closely with national, provincial and local governments as well as other NGOs to educate citizens about democracy and methods of achieving social justice. It has nine departments in three locations in South Africa as well as affiliate programs in Zimbabwe and Nigeria.⁵ The Centre for Governance in Africa (CGA), a programme of Idasa based in Cape Town, has facilitated efforts in the Eastern Cape and Gauteng provinces to strengthen the capacity of civil society organizations to engage with provincial legislatures. The CGA identified the Eastern Cape as having low levels of interaction between civil society and the Eastern Cape Provincial Legislature. By strengthening the interaction between networks of NGOs and CBOs and government institutions in the Eastern Cape, the CGA is facilitating public participation by linking the two bodies. It has recruited local partners, including the Eastern Cape Legislature Public Participation Unit and the Eastern Cape NGO Coalition (ECNGOC) to implement its various activities. Rather than adopting an antagonistic approach, the CGA is cooperating with these local partners to facilitate interaction and by these means enhance public participation.⁶

⁵ Idasa Annual Report 2004. Idasa Publishing.

⁶ Centre for Governance in Africa, Idasa website. <<http://www.idasa.org.za>> Accessed November 11, 2005.

My work with CGA dealt mainly with the role of a single NGO in linking civil society organizations with legislative governance bodies in the Eastern Cape as a means for facilitating public participation. I had three tasks for the duration of my practicum:

- a) The construction of a **database** containing the contact information, objectives and area location of NGOs operating in the Eastern Cape. The categorization of these NGOs by sectors assists in the task of notifying organizations of upcoming public hearings. This helps with communication between the various levels of government as well as towards civil society. The task involved communicating with the individual NGOs, the network under which they are organized, the Eastern Cape NGO Coalition, and with members of the Eastern Cape Legislature Public Participation Unit.
- b) Internet and print media **research**. I produced briefing notes for the authors of a forthcoming CGA book in April 2006 on models of public participation in local government structures.
- c) Assisting other interns with **data entry** from a survey of parliamentarians and NGO workers from the CGA's work with the Zambian parliament.

In light of the high level of discontent towards government as seen in media and published sources, surveys and personal focus group interviews, the focus of this research paper is what can an individual NGO do to improve public participation. This is examined in view of the high levels of public estrangement from provincial and local governments. I will examine how the CGA receives funding for its efforts, who it works with on the ground, and what kind of practical measures it employs. The body of this

paper reflects these objectives – it identifies sources of funding, local partners, and methods and suggests ways of sourcing funding. My conclusions will place the work of this NGO within a broader context. I will seek to answer how the CGA and its specific projects are fulfilling their stated objectives and are helping democracy in South Africa.

It was a privilege to work with an organization implementing good democratic processes in a region where these concepts are relatively young. I was exposed to methods of advocacy during my time with the Democracy Strengthening in Africa project that were tailored to address specific needs on the ground. The subject of public participation in government is something that is extremely widespread and prevalent. It is a question that concerns all aspects of society, for this common involvement informs and shapes public attitudes as to the direction of the nation. By working with the CGA on its Eastern Cape program, I was able to consider practical impediments and witness methods of solving them at a local and provincial level.

INTRODUCTION:

The 1994 general elections in South Africa marked the formal transition from racial authoritarian rule to a democratic Government of National Unity as the majority of the nation's citizens came to vote for the first time. The high voter turnout of nearly 90% of the electorate in 1994 reflected the general positive feeling that South Africans had towards the democratic system.⁷ This high level of public participation was important in legitimising South Africa's nascent democracy. For any democratic system to flourish, there must exist means and mechanisms for public participation besides elections. Citizens must be involved in the actual decision-making process, holding their representatives accountable and involving themselves with the daily running of their nation. Political analysts agree that forms of public participation at various levels of government are necessary for democratic societies to work. These analysts assert that once levels of participation drop below certain amounts, strains emerge that can lead to the weakening of the democratic state.⁸

The South African Constitution, adopted 1996, provides a comprehensive legislative framework for a representative and participatory democracy. The South African system is deemed to have been among the most progressive democratic constitutions respecting individual rights. It clearly establishes in its preamble South Africa's role as a "democratic and open society in which government is based on the will of the people..."⁹ There is clearly an intention in the constitution and other legislative documents to foster

⁷ "Elections 94". Independent Electoral Commission Website. <http://www.elections.org.za/Elections94.asp>. Accessed November 20, 2005.

⁸ Milbrath, L.W. *Political Participation: How and Why do People Get Involved in Politics?*, Chicago, Illinois, Rand McNally College Publishing, 1965.

⁹ Constitution of the Republic of South Africa, adopted 1996. Act 108 of 1998. Preamble.

a system that is based on public initiative. In short, the people have the mechanisms to shape their country provided to them by the constitution.

There are concerns that there is a serious divide between the framework and actual practices of participation. A number of constitutional rulings have been given in the last fifteen years that impose upon the national, provincial and local government the tasks of fulfilling the Constitution in respect of the basic human rights of every citizen to participate. Constitutional Court judge, Justice Albie Sachs, expressed the importance of the participatory process in a 2003 ruling:

“It is calculated to produce better outcomes through subjecting laws and government action to the test of critical debate, rather than basing them on unilateral decision-making...The responsibility for serious and meaningful deliberation and decision-making rests not only on the majority, but on minority groups as well. In the end, the endeavours of both majority and minority parties should be directed not to exercising (or blocking the exercise) of power for its own sake, but at achieving a just society where, in the words of the Preamble, ‘South Africa belongs to all who live in it.’”¹⁰

These cases demonstrate significant gaps between policy intentions and policy implementation. Further, voter turnout in elections has decreased steadily since 1994.¹¹ Reports by the Afrobarometer, a political research survey unit within the Institute for Democracy in South Africa (Idasa) reveals that citizens feel disillusioned with their institutions of governance. A general sense of disconnect and a lack of responsiveness were common themes in the Afrobarometer survey as to why citizens had little conviction in institutions of governance. There is a decreasing amount of public trust in governmental institutions, with only 37 percent of South Africans trusting the president, 31 percent parliament, 28 percent provincial government and only 24 percent local

¹⁰ Republic of South Africa. Constitutional Court ruling. “Democratic Alliance and Another v Masondo NO and Another.” 2003 (2) SA 413 (CC) at paras 42-43.

¹¹ “South Africans becoming politically less active.” Media Releases 2000. Human Sciences Research Council website. <http://www.hsrc.ac.za/media/2000/2/20000207.html>. Accessed November 29, 2005.

government.¹² Levels of participation in the legislative-making process at the provincial level are significantly low. In a 2000 Human Research Council report, 3 percent of respondents had asked local counsellors for help, and less than 1 percent of respondents had regularly asked members of provincial legislature for assistance. 91 percent of respondents had never attended public hearings of a provincial legislature or submitted written petitions to these hearings.¹³

In this context, Civil Society Organizations (CSOs) play an important role as a sector of individuals within society independent from government and its policies. Civil society consists of non-profit groups advocating for specific purposes, ranging from faith-based organizations and women and youth groups to democracy and governance organizations. They are voluntary groupings of citizens established in pursuit of common interests. In a three-sector model of the state involving the government, profit-seeking firms and citizens, civil society is a fourth actor that interacts with government and profit-seeking firms. CSOs also include Non-Governmental Organizations (NGOs) which are groups providing development goods or services when faced with the inability of the government or market to provide them.¹⁴ NGOs and other civil society organizations help to protect and promote citizens' rights to be represented and participate in their governance. As citizen groups, they participate in government using the same avenues that individual citizens would. Low levels of public participation are often due to individuals lacking the knowledge, expertise and resources to access and engage with the relevant structures. NGOs can help to fill this gap by providing the capacity for citizens. Stefan Gilbert, Parliamentary Development project in the CGA in Africa

¹² Mattes, Robert, Christiaan Keulder, Annie B. Chikwana, Cherrel Africa and Yul Derek Davids. "Democratic Governance in South Africa: The People's View." Afrobarometer Working Paper No. 24, 2003.

¹³ Human Sciences Research Council, 2000. *HSRC Survey, September 2000*, Pretoria: HSRC Publishers.

¹⁴ UNDP and Civil Society Organizations. <<http://www.undp.org/cso/about/faq.html#3>>

comments “the gap between legislation and implementation of the legislation is where the problem lies and in a lot of cases it’s just gross under capacity, so strengthening of this capacity is one of the big roles of NGOs and other organizations in civil society.”¹⁵

The focus of the paper is the CGA programme within Idasa, a prominent national NGO, and its efforts to facilitate public participation in the Eastern Cape. I will explore the sources of funding for CGA and the role of local partners on the ground. First I will examine the existing legal framework that provides for participation. This section will include excerpts from the Constitution that clearly delineate the responsibility of the government to encourage this participation in the decision making process. Then I will examine the practical process used - the methods and techniques by which the CGA is implementing its activities. Further I will comment on problems that the CGA has encountered during its time in the Eastern Cape, and finally I will contextualize the efforts of the CGA in the realm of NGO efforts to augment public participation in South Africa.

¹⁵ Interview with Stefan Gilbert. Conducted November 30, 2005.

BODY OF PAPER:

LEGISLATIVE FRAMEWORK FOR PUBLIC PARTICIPATION

Public participation in a democratic society is a key component for good, effective governance. Reuben Masango defines public participation as:

“...A process in which members of the public – as individuals, members of groups, or group representatives – deliberately take part in a goal-oriented activity. It can therefore be said that the expression ‘public participation in policy-making and implementation refers to an exercise in which members of the public – as individual citizens, interest groups, or interest group representatives –deliberately take part in relevant public policy-making and implementation processes...”¹⁶

The framework for public participation in South Africa is evident. The Constitution adopted in 1996 makes key provisions for the establishment of public participation as a norm in daily governance. As mentioned above, the Preamble states clearly the intention to “lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law”. Other sections of the Constitution further entrench the idea of participatory and representative government for the South African state.¹⁷

Article 1(d) guarantees that citizens will have the right to choose their government:

1. The Republic of South Africa is one, sovereign, democratic state founded on the following values:

(d) Universal adult suffrage, a national common voters roll, regular elections and a

¹⁶ Masango, Reuben. “Public Participation: A Critical Ingredient of Good Governance.” *Politeia* Volume 21, Number 2, 2002, pp. 52-65.

¹⁷ All examples in this section are taken from the Constitution of the Republic of South Africa, adopted 1996. Act 108 of 1996.

multi-party system of democratic government, to ensure accountability, responsiveness and openness."

Article 16 (b) provides for the freedom of expression, including that of communicating ideas:

*16. (1) Everyone has the right to freedom of expression, which includes –
(b) Freedom to receive or impart information or ideas;*

Article 17 acknowledges the citizens' right to overtly communicate their ideas and concerns:

17. Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Article 57 (1) pledges that the National Assembly will operate in a manner accommodating to public participation:

*57. The National Assembly may –
(b) Make rules and orders concerning its business, with due regard to representative and participatory Democracy, accountability, transparency and public involvement."*

The CGA is working primarily at the provincial level to link civil society organizations with the Eastern Cape Provincial Legislature. In doing so they aim to build the capacity of the two bodies to communicate and exchange ideas. Section 115 (d) of the Constitution stipulates the public can submit evidence or opinion for the provincial legislative making process.

Section 115 Evidence or information before provincial legislatures.

A provincial legislature or any of its committees may –

(d) Receive petitions, representations or submissions from any interested persons or institutions.

Finally, at the provincial level, Legislatures must facilitate public access and promote involvement as outlined in Section 118 of the Constitution:

Section 118 Public access to and involvement in provincial legislatures

(1) A provincial legislature must -

(a) Facilitate public involvement in the legislative and other processes of the legislature and its committees; and

(b) Conduct its business in an open manner, and hold its sittings, and those of its committees, in public...

(2) A provincial legislature may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.¹⁸

It is worthwhile to note here the process of public participation in the formation of the Constitution itself. The following is an actual example of the potential of public contribution for larger legislative processes. Vivien Hart explains the methods by which participatory constitution making occurred in South Africa:

¹⁸ Stefan Gilbert's "The South African Legal Context for Public Participation" was instrumental in helping identify these sections of existing legislation.

“From 1994 through 1996 the South African process became a full-scale demonstration of participatory constitution making. Until that time, the public had had no direct role in constitution making. Now their elected representatives in the assembly reached out to educate them and invite their views. The educational effort included a media and advertising campaign using newspapers, radio and television, billboards, and the sides of buses; an assembly newspaper with a circulation of 160,000; cartoons; a web site; and public meetings; together these efforts reached an estimated 73 percent of the population. From 1994 through 1996 the Constitutional Assembly received two million submissions, from individuals and many advocacy groups, professional associations, and other interests.”¹⁹

Many key pieces of legislation set out to create working processes for the ideals stated in the Constitution. The Municipal Structures Act (1998) is one such document and looks to empower local government structures to fully engage and involve its citizenry to participate in all its affairs.²⁰ The Act is informed by the participatory themes of the Constitution and expects the public take advantage of the access and agency granted to them. This access is fundamental, allowing for community visits and other forms of face-to-face interaction with governance institutions. These provisions go beyond participating in periodic elections; they include the right of the citizen to exercise influence and contribute opinions to all government decisions. Citizens are required to comply, respect and uphold the legislative and executive decisions made by the government. In doing so the people will enhance the participatory mechanisms that are available and be able to decide the process of restructuring and governing the country.²¹

¹⁹ Hart, Vivien. “Democratic Constitution Making: The South African Experience.” US State Department website. <http://usinfo.state.gov/journals/itdhr/0304/ijde/hart.htm>. Accessed November 25, 2005.

²⁰ Republic of South Africa. *Government Gazette*. Local Government Municipal Structures Act: Act. No. 1650 of 18 December 1998, Cape Town.

²¹ Fakir, Ebrahim. “Political Participation in South Africa.” Paper presented to the 5th conference of the International Network – Education for Democracy, Human Rights and Tolerance, Foreign Ministry, Berlin, May 14-15, 2003.

FACILITATION OF PUBLIC PARTICIPATION BY IDASA/CGA

1. FUNDING

The Centre for Governance in Africa (CGA) is an Idasa programme promoting good governance practices in South Africa and its regional neighbours. It receives funding from the Australian Agency for International Development (AusAID) to implement a program to strengthen the capacity of NGOs and other civil society organizations in the Eastern Cape province. The funding for the program amounts to approximately R1.9 million per annum, with a continued duration of approximately R6 million for the next three years.²² The program also is trying to improve civil society's understanding of institutional structures and the quality of their participation in legislative governance, specifically with the Eastern Cape Provincial Legislature. The method used by the CGA is described as an inclusive, non-antagonistic approach. Rather than advocating directly to the civil society or the provincial legislature, the CGA looks first and foremost to link the two as a means of facilitating public participation. It works within the provisions of the Constitution by encouraging this interaction between civil society and government in formal, existing structures.

AusAID is the Australian government's official body for allocating foreign funding and aid. In early 2005 it began the implementation of the African Governance Facility (AGF), charged with the development and implementation of good governance efforts in Africa. The geographic focus of the AGF is in eastern and southern Africa, including the program in South Africa. The AusAID program comprises three separate components:

²² Interview with Lyn Chiwandimira. Conducted December 2, 2005.

Support for Democratisation; Support for Trade Liberalization and Support for Emerging Issues. Idasa applied for and received funding from AusAID under a program in Component 1: Support for Democratisation. The purpose of this component is to strengthen democratic processes that are transparent and accountable. It focuses on strengthening electoral processes, parliamentary committee structures and anti-corruption measures. Specifically the CGA programme received its funding to establish public participation forums and local government centres. In South Africa the CGA has focused its efforts in the Eastern Cape and Gauteng provinces.²³

CGA currently runs two programmes in South Africa: one in the Eastern Cape and the other in Gauteng. The two provincial projects were meant to serve as pilot projects from which to use reference and experience before embarking into other countries. The AusAID funding covers South Africa also, so the CGA had to begin work at the provincial level rather than just at the national level. The Eastern Cape was identified through discussions with local partners regarding considerable disjoints between civil society and government.²⁴ Gauteng by contrast had a sophisticated network of NGOs, but these NGOs did not interact with the Gauteng legislature on a regular basis. Because they were so well organized they chose to address the national assembly in Cape Town instead. With the choice of the two locations, CGA programme head Lyn Chiwandimira comments that the CGA “wanted to find out in poor provinces what were the levels of interaction between parliament and civil society organizations. Gauteng is one of the richest, so we wanted to learn lessons from the rich and from the poor. We wanted to learn methods and apply them.”

²³ Australian Agency for International Development (AusAID). “Africa Governance Facility – Background.” April 2005.

²⁴ Interview with Lyn Chiwandimira. Conducted December 2, 2005.

The CGA is **tasked** with working with existing institutions of governance at the local and provincial levels. It is mandated to assist with the establishment of public participation forums and local government centres. The desired **outcomes** of the regional programme consist of: enhanced participation of citizens in policy making processes at local, provincial and national levels; improved interface between citizens and policy making processes to bridge the gap between citizens and governance processes; existence of a coordinated voice for civil society in policy making processes at local, provincial and national levels; increased knowledge amongst citizens and civil society organizations on how to analyse policies vis a vis service delivery; increased knowledge amongst policy makers (legislators at local and provincial levels) on how to interact with citizens; established public participation frameworks and forums in the selected countries; strengthened capacity of civil society organisations, staff of public participation units on effective interaction with democratic legislatures at local and provincial levels.²⁵ AusAID assumes a role of oversight in the process. They provide funding and quality control and the CGA programme manager produces a quarterly report of findings and analysis for them.

2. COOPERATION WITH LOCAL PARTNERS

The CGA project proposal for AusAID funding recognizes the need for intervention into civil society capacity.²⁶ It cites a 2001 CIVICUS study on civil society that finds that civil society in South Africa lacks the capacity for intervening in the policy making and

²⁵ "Enhancing Democratisation Processes in Africa." Concept Paper from Idasa CGA. Presented 1 March, 2005. *Author unknown.*

²⁶ Idasa proposal for AusAID. "Bridging the Gap: NGO/CBO participation in the Legislative process." 2004. *Author unknown.*

policy enforcement arena.²⁷ It continues by commenting that the NGOs working with grassroots communities are those most lacking in capacity to engage with formal legislative structures. The proposal asserts that participatory legislative governance remains weak despite numerous efforts to simplify these processes.

Recognizing these divides between policy intention and policy implementation, CGA sought to base its efforts in the Eastern Cape. Despite its expertise and sizable funding from AusAID, CGA acknowledged its' staff under capacity. The AusAID funding covered programs in ten countries, three of which are now concurrent (South Africa, Zambia and Lesotho). There is a consistent effort to establish links and engage with local partners for every country programme. "The general philosophy of the CGA is that its non-antagonistic, it seeks to work with partners in every case."²⁸ The reasons for this include, as stated above, a lack of resources in the CGA office. A more significant reason is that the CGA considers local partners to be more aware of the conditions on the ground. The CGA believes that there is a stronger chance that its methods will be more lasting and effective if it involves local partners.²⁹ Though the objective is the building of civil society capacity to engage, it is also imparting capacity on all parties, including local government representatives. The communication between these partners is described as being "very open", and occurs on a monthly basis.³⁰

The two most prominent local partners of the CGA in the Eastern Cape are the Public Participation Unit of the Eastern Cape Provincial Legislature and the Eastern Cape NGO Coalition (ECNGOC). In the acknowledgements for the toolkit "Bridging the Gap: Linking Civil Society to Legislative Governance", the Public Participation Unit is credited with

²⁷ CIVICUS Index on Civil Society Project 1999-2001. *CIVICUS: Washington* Vol. 1: Iss. 1: 1-44.

²⁸ Interview with Stefan Gilbert. Conducted November 30, 2005.

²⁹ Interview with Lyn Chiwandimira. Conducted December 2, 2005.

³⁰ Interview with Lyn Chiwandimira. Conducted December 2, 2005.

providing information “pertaining to legislative processes, the roles and functions of parliamentary structures, and the parliamentary directories.”³¹ The Public Participation Unit is responsible for organizing different activities that enable civil society and citizens to participate in legislative governance processes. It is also responsible for the facilitation of public hearings as well as communication with the public on the phone and email.³²

The ECNGOC is also an acknowledged partner of the toolkit, having created links between Idasa and an existing network of NGOs in the Eastern Cape. The ECNGOC is a representative structure designed to co-ordinate and promote NGO activities in the Eastern Cape. Member organizations are “voluntary, independent, not-for profit development organizations”. It aims to build a stronger NGO sector to effectively advocate for increased efforts for poverty eradication and good democratic processes in the region. It also aims to improve the capacity of its members to engage with policy, fulfil their mandate and engage with other structures.³³

3. PRACTICAL MEASURES UNDERTAKEN BY THE CGA

A. Development of Toolkit

CGA staff members have identified two pervasive issues hindering their efforts to enhance public participation in the Eastern Cape. The first is a capacity and expertise

³¹ “Bridging the Gap - Linking Civil Society to Legislative Governance: A toolkit for NGOs and CBOs in the Eastern Cape.” Compiled by the Eastern Cape Public Participation Unit in conjunction with IDASA (Centre for Governance in Africa), page V.

³² “Public Participation Unit.” Eastern Cape Provincial Legislature website.
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³³ Eastern Cape NGO Coalition. “Vision and Mission.” <<http://www.ecngoc.co.za/about/vision.php>> Accessed November 22, 2005.

gap within civil society to engage with the Provincial Legislature. In many cases these organizations were not familiar with the exact processes and procedures to participate. The second is the low attendance of NGOs at public hearings and other forums to participate in this legislative process. This is due to logistical problems revolving around transportation and the lack of communication about scheduled public hearings. CGA programme manager Lyn Chiwandimira describes the process of discovering the first issue, NGO capability:

“...We went to the NGOs and said, “You are also purporting to represent the people. How many issues have you taken to parliament? And we found that nobody knew, the NGOs didn’t know where parliament was...When we had our identification exercise, we realized that NGOs did not know how to engage with parliament, so this toolkit was designed to help NGOs interact with government.”³⁴

CGA’s response to the issue of **capacity building** was to develop a toolkit containing guidelines for these NGOs and civil society organizations. “Bridging the Gap, Linking Civil Society to Legislative Governance: A Toolkit for NGOs and CBOS in the Eastern Cape” is the end result. Published in 2005 in conjunction with the Public Participation Unit of the Eastern Cape Provincial Legislature, the toolkit is a comprehensive guide to civil society participation in governance. It contains eight modules, ranging from the role of NGOs and CSOs in governance processes; involvement at the national and provincial levels; involvement in the Provincial Legislature; roles and functions of committees in the Provincial Legislature; participation

³⁴ Interview with Lyn Chiwandimira. Conducted December 2, 2005.

in the law making process; budget processes and finally parliamentary public education at the national and provincial levels.

The toolkit reads like a reference book for these civil society organizations. It explains the roles and functions of each level of government and the mechanisms for public participation at the different levels of government. The toolkit is not designed as an advocacy manual in that it does not explain the proper structuring of NGOs and contains only brief guidelines for communicating with the media, and other forms of advocacy and lobbying. As a reference book its strength is its ability to explain **how and by what means** civil society can **link** with government. The contact information provided of MPs, Committee chairs and parliament liaison officers helps NGOs find the relevant person to communicate with. As an educational tool for the casual reader it contains handouts of important concepts such as the petition making process. Also important are the Case Study examples outlining specific instances of public participation. "Case Study: Public Participation in the National Assembly" is one such example.

CGA also created a partner toolkit for use by the MPs in the Provincial Legislature. After publication of the civil society edition, the Legislature indicated its desire for a similar resource for new MPs. There was a lack of knowledge amongst the MPs about proper procedure, so the CGA produced a similar version for these MPs also. The government version also contains basic guidelines of structure within the Legislature. CGA Programme manager commented that the response was very positive for this edition from within the government, citing the facility of its use and comprehensiveness of information.

B. Facilitation of Public Hearings

Problem of low attendance.

Information issue 1 - Development of Database – not categorized into sectors.

Information issue 2 - Publication of public hearing schedules (Budgets for facilitation, levels of controversy, initiative of committee chair)

The CGA has embarked on a series of measures in response to the low attendance of NGOs at public hearings. Whereas the toolkit was a single publication that was then distributed, the facilitation of public hearings encompasses most of the CGA's daily affairs in the province. The Eastern Cape has an acknowledged low level of infrastructure. A lack of transportation deters many potential participants from attending public hearings. One CGA proposal is the provision of public buses to transport people to public hearings. There is a plan to allocate a small amount of the AusAID funding for this activity. CGA was informed of this need at public hearings held this year when participants mentioned that they often don't have the means to participate. This logistical issue is extremely damaging to public participation. The CGA solution is very basic yet very effective in countering socio-economic obstacles to participation.³⁵

A more pressing issue is that of information for the relevant NGOs to come and participate in the hearings. This problem has two strands. The first is the question of knowing which NGOs should participate. Depending on the legislation and its potential effects – by district/area, by health issue, by development plan, etc – the relevant NGOs need to be notified so that they can come be involved. Existing lists of NGO contacts

³⁵ Interview with Stefan Gilbert. Conducted November 30, 2005.

were not categorized into sectors or programme area, so it was difficult for CGA staff members to know whom to contact when there was a public hearing.

It was the task of this researcher to compile and organize the Eastern Cape NGO database. As noted above, the database will be used to facilitate communication between the different sectors. If there is a public hearing, the relevant NGOs that may have a stake in participating and giving their opinions will know the date and location of the hearing. Further, government representatives can use it to consult relevant experts and citizens about legislation. To create the database I used an existing list furnished by the ECNGOC, but separated it depending on different categories. The first was by organizational objective and what kind of programme they were running. The categories included: advocacy, civil rights, community arts, development, education, employment, faith based, health services, housing, income support, legal services, HIV/Aids, sports organizations, policy think tanks, and social services (disabled, family support, youth). I established contact with liaisons of the Public Participation Unit and the ECNGOC as well as the Office of the Premier of the Eastern Cape about them sending existing NGO lists that they had for compilation into the CGA list. The second category was area division – what district or town the NGO was located in. This would help for issues that affect a certain area, i.e. development or tourism related, and would require participation and input from NGOs with interest in those specific areas.

The problems encountered in this process involved communicating with the NGOs. I conducted random calls (from the list of nearly 1,600 organizations) to see if the contact details available were correct. Often I was unable to reach the organization, probably due to the low levels of communication infrastructure available. This process informed my understanding of the difficulties apparent in informing individuals about public

hearings. If I was unable to randomly contact the organizations to inquire about their contact information, what kind of issues would be involved in having to contact a large list of organizations to inform them of upcoming events?

The CGA intends to use the revised list to identify relevant NGOs and contact them for future public hearings. Further they mean to share the list with parliamentarians and local government officials as a suggestion of a specific list of people to consult for matters outside of legislation. In doing so they would further create communication with the public.

The second issue of information revolves around the publication of public hearing schedules. Public hearings are described in the toolkit as forums for legislators to hear and consider the views of experts and citizens on public policy issues. Their location can range from committee rooms in the legislature building to district centres or community halls. These hearings are useful in soliciting civil society opinions on particular legislative issues. In this sense citizens have the means to be very active in the legislative process. One problem encountered by the CGA in the facilitation of public hearings is that they are not always planned and publicized enough in advance. Oftentimes it is up to the chairperson of a committee to determine the necessity for a public hearing. This necessity is often determined by the controversy and attention focused on that issue. Therefore the public hearing isn't a prearranged event; it is often determined by individual decision.

In its non-antagonistic approach the CGA is working closely with legislative bodies to remedy this problem. First, they are planning on working with public hearings scheduled way in advance to arrange proper publicity and information for the relevant actors. This

also gives the CGA time to prepare material on those issues to distribute to participants at the hearing. When prompted about forms of advocacy to these legislative officers for a better scheduling of public hearings, CGA respondents claimed that this would not be productive. Cooperation and trust was necessary for a healthy relationship with the different departments of provincial parliament. Not until this amount of trust has been gained will any substantial recommendations be given due course and consideration. The CGA respondents identified this personal advocacy with legislative officers as the 'second stage' – an indication of the intention to keep these efforts running for a substantial amount of time.

4. CASE EXAMPLE: (Public Hearings)

In late November 2005, CGA staffers travelled to the Eastern Cape Provincial Legislature's offices in Bisho to facilitate public hearings between provincial legislators and members of the community.³⁶ The public hearings addressed government initiatives to create health centres and standardize the *ukwaluka* circumcision rite of passage for young men going on to be initiated into Xhosa society. During the course of this initiation participants are often left without food or water for days at a time. This poses serious health risks to some participants. Health administrators have taken into consideration numerous deaths in recent years due to these conditions. Provincial legislators drafted and passed the Health Standards of Traditional Circumcision Act in 2001, which provides for certain health standards in the traditional circumcision process. Health administrators have further created health centres (voluntary) for these

³⁶³⁶ This case example was derived from an interview with CGA staff member Monica Makaula. Conducted December 5, 2005.

participants to assess their health prior to their initiation. Further it requires that any circumcision in the province may not be conducted without the permission of a medical officer or that the initiate may participate without written permission from the medical officer.³⁷ This programme has caused considerable division between those supporting government actions to prevent deaths and those who reject government intervention into traditional practices.

The controversy revolves around a lack of knowledge from the public about the government initiative and creation of these centres. The CGA's role was the facilitation of a Question and Answer session. Working together with the Eastern Cape Provincial Legislature and the Buffalo City Municipality office, the CGA worked to mobilize communities to take an active part in the issue of health centres. Public hearings were held in four locations: Mooiplaas, Cecilia Makiwana, Tsholominqa and Butterworth during the week of 28 November - 2 December 2005. The hearings facilitated in part by the CGA lasted five hours from 10am – 2pm in each location. The Q&A session began with a background presentation by provincial MPs on the motivation for the government initiative. The MPs outlined the details of the Health Standards of Traditional Circumcision Act, No. 6 of 2001 of the Eastern Cape Provincial Legislature.³⁸ Members of the public were then invited to ask questions of the MPs and give suggestions and opinions regarding the legislation making process.

It was observed by a CGA staff member that those not in favour of the health clinics and who advocated a traditional approach with less government intervention, generally stayed away from the public hearings. Further the members of public that did come to

³⁷ Mphumzi Zuzile. "New Act regulates Xhosa rite." *Daily Dispatch Online*. October 26, 2001. <http://www.dispatch.co.za/2001/10/26/>. (accessed December 7, 2005.)

³⁸ Eastern Cape Provincial Legislature. "Health Standards of Traditional Circumcision Act." No. 6 of 2001.

participate in the formal process were more often those that had supported the government initiative to construct health centres.

CGA staff members also reported that there was an increased call for more women's participation in the process. It must be noted that the common view is that circumcision is considered a masculine matter. Despite having stakes in the possible outcomes of the *ukwaluka*, women face cultural stigmas discouraging their participation. These outcomes are of great consequence to women, many of who are mothers in single-parent households and provide primary care for these initiates. The death of these initiates has real consequences, often because they become income winners of the extended family. A proposal was heard at the public hearing that came from a woman who suggested the creation of a workshop for soon-to-be initiates that clearly explained the initiation process and prepared the initiates for the process.³⁹

CGA staff members deemed that there was a good level of general understanding from the public about the process of public hearings. The CGA's role in this case example was the facilitation of these hearings and the notification of the relevant NGOs to come and contribute. The CGA database of Eastern Cape NGOs was used to identify relevant organizations and notify them about the ongoing hearings. However, the issues that face the CGA in these hearings remain numerous. The CGA and local partners are looking to find solutions to the problem of these traditionalist groups not attending to voice dissent to the legislation.

³⁹ Interview with Monica Makaula, CGA staffer. Conducted December 5, 2005.

CONCLUSIONS:

Facilitating public participation in the South African political landscape is no easy task. With a recent history of disempowerment and disenfranchisement, South African citizens are only recently learning to embrace and exercise their rights. Currently socio-economic factors prove a significant obstacle for South Africans. As witnessed in the focus group conversations mentioned above, some citizens do not place politics or participation as a priority and instead look to other means for aid. Civil society organizations and NGOs play an important part in helping with these problems. Those NGOs that have a democracy advocacy agenda range in their methods. Some that work at the grassroots level mobilize citizens around certain issues and then advocate for these issues. Other organizations work to influence the upper levels of power and decision making to ensure that these institutions are following through on their objectives. Still others, like the CGA, decide to work within existing frameworks to strengthen the capacity of both citizens and institutions to engage with each other. All these different organizations are in their own part helping to strengthen the democratic process by encouraging accountability, transparency and participation.

The stated objective and funding for the CGA is for democracy and governance development. It is not an economic development NGO and does not play a role in helping to improve socio-economic conditions. Rather, it focuses its work on democratic governance. In practical measures, this translates into efforts to strengthen the capacity for NGOs, other civil society organizations, the general public and legislative institutions in the Eastern Cape to engage with one another. It looks to provide for and facilitate public participate *amidst* these socio-economic obstacles. CGA intervention on behalf of

civil society also depends on the invitation of provincial structures to accept aid.

Therefore there must be a willingness from these provincial authorities to accept help to encourage public participation.

The CGA has adopted a type of middle ground between civil society and the government by working with partners from both sides. As local partners in the Eastern Cape, the ECNGOC and the Public Participation Unit gain capacity and expertise from the CGA and Idasa. There are some doubts from among the public about the neutrality of the CGA because it has joined the Public Participation Unit, seen as a 'government' structure. Regardless of this, this cooperation is seen by the CGA as a measure that has proven effective in closing the gap between community and the legislature. The above example of public hearings helps to show the necessity of this partnership. By facilitating the hearings, CGA proved itself as an organization committed to democratisation in politics despite strong traditionalist sentiments against government intervention. There must be a commitment to making sure that the opinions of all groups, including women, disabled persons, children and youth, are heard amongst traditional, anti-democratic, patriarchal structures.

The research scope of this paper was the facilitation of public participation by the CGA in the Eastern Cape. Specifically, it was looking at the methods that the CGA was using, and whether these were effective. The development of the toolkit was determined to be a worthwhile and successful venture. It serves as a reference book for civil society organizations, as does its partner edition for legislature MPs. The toolkit is very efficient and important for those that are enthusiastic about participation but not familiar with formal structures. The facilitation of public hearings by the CGA appears to be a work in progress. There are issues of logistics and capacity that must first be

overcome. The CGA plans on advocating legislators to better manage the publication of public hearing schedules. Further, the proposal to arrange transportation for public hearing participants is another action amidst difficult socio-economic conditions. The status of public hearings as a forum for participation is equally important – it is the means by which they can contribute to the democratic process at the provincial level. Ensuring that participants arrive and engage with parliament is of utmost importance. Even if the participants show strong dissent to government initiatives – as in the case of the traditional leaders' opposition to the health centres – they must be present at the hearings to voice this opposition and possibly influence the process. Such is the strength of the democratic system; it acknowledges both dissent and support to formulate its policies.

CGA is helping strengthen South African democracy at the provincial scale by adopting practical measures to address specified needs. Despite low levels of participation amongst South African citizenry, the democratic state is not yet at peril. Idasa and other like-minded organizations are active and instrumental in ensuring the continuation of this participatory system. There must be a continued effort at reaching out to the people and building a grassroots culture of citizenship. By doing so these organizations remind people of their investment in the health of a participatory democratic system.

LIMITATIONS OF STUDY, RECOMMENDATIONS FOR FURTHER STUDY:

I was very fortunate to have worked with the CGA in their Cape Town offices. However I recognize several limitations to the study. Despite having completed a 'practicum-based' research paper, more time for the paper could have provided more opportunities for *field research*. It was suggested that I could spend time with CGA staff members in the Eastern Cape to help facilitate public hearings. This paper relies on interview with CGA members as to the perceived effectiveness of the CGA projects. However, if primary field research were conducted, then interview with citizens, legislators and other civil society members would have strengthened the primary source material. As such this paper relies mainly previously published materials – academic papers, project proposals, Internet and print media resources – to inform much of its conclusions. However the actual scope of the topic – facilitation of public participation by the CGA – relies on interviews with CGA staff members. Though their views are especially relevant, it would have benefited the study to ask a concerned, active citizen a civil society organization member or a provincial legislator in the Eastern Cape what their thoughts about public hearings or the toolkits were. In this way it would create a broader context to base the conclusions on the effectiveness of CGA efforts. These steps would prove beneficial to make the focus more comprehensive as a study of public participation efforts in a selected locale.

This researcher's recommendations for further study revolve around more field research as a means of obtaining primary information. It must be noted that such was the nature of the organization that I was working with. CGA was conducting efforts at the provincial legislature level of government in the Eastern Cape. Its activities were

very specified and local. To form an analysis of and report on its activities, it would benefit to get opinions from all parties involved.

For future SIT students interested in South African politics it is worth the time to be involved in Idasa or other similar organizations. Firstly, the scope and reach of these organizations is impressive at a national level. For a student with interest in politics of any nature - budget analysis, transparency issues, local government structures – Idasa has comprehensive programmes dealing with almost every issue in South African politics and economics. Second, it is my personal experience that those in the Idasa offices have been very accommodating to SIT students pursuing independent research. Given the amount of work that Idasa has, they always have plenty of work for office interns!

Idasa's contact information in Cape Town is as follows:

6 Spin Street, Church Square, Cape Town 8001. PO Box 1739, Cape Town 8000.
Ph (021) 467 5600, Fax (021) 461 2589

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