

https://dspace.org/

An assessment of the effectiveness of citizen participation in project planning and implementation for national projects: the case of the Gauteng freeway improvement project (gfip) in Gauteng

Madikizela, Lusanda

2022

https://hdl.handle.net/10539/34093

Downloaded from a DSpace repository. https://dspace.org/



AN ASSESSMENT OF THE EFFECTIVENESS OF CITIZEN PARTICIPATION IN PROJECT PLANNING AND IMPLEMENTATION FOR NATIONAL PROJECTS: THE CASE OF THE GAUTENG FREEWAY IMPROVEMENT PROJECT (GFIP) IN GAUTENG

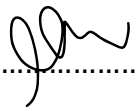
Lusanda Madikizela

A research report submitted to the Faculty of Engineering and the Built Environment, University of the Witwatersrand, in partial fulfillment of the requirements for the degree of Master of Urban Studies in the field of Urban Management

Johannesburg, 2021

Declaration

I, Lusanda Madikizela, hereby declare that this research report herein submitted is the result of my personal study. The ideas listed in this work, that are not originally mine, from articles, citations, tables, charts, graphs and pictures have been duly referenced and acknowledged. I further maintain that this research piece is a first original submission towards an award of a **Master in Urban Studies in the field of Urban Management** at the University of the Witwatersrand, Johannesburg. It has not been accepted for any degree and is not concurrently submitted by any candidate for any degree at any other University elsewhere.

Signature

Date..5 October 2021.....

Dedication

First and foremost, I thank God for all the circumstances, both pleasant and painful, that led me to this place, for me to achieve this longtime dream of mine. It can only have been His divine grace and intervention.

To my mother, Pumla Madikizela, my prayer warrior, the best mother anybody could ask for, enkosi MaNgutyana ngento yonke. I dedicate this to you.

Abstract

Stakeholder engagement and participation in policy and project implementation is an essential element of good governance. Public participation should, ideally, enable citizens to shape and influence public policy and also foster a greater understanding and acceptance of policy decisions, thus improving the chances of success at the implementation stage. This research explores and analyses the nature and extent of the public participation process that led to the approval and implementation of the Gauteng Freeway Improvement Project (GFIP), an unpopular tolling project.

Using the GFIP as a case study, this work has analyzed the public participation process and methods that were followed in seeking political and public acceptability for the project. It explores the notions of acceptance, consideration, consensus and dissensus in a representative democracy and how this influences the process of implementing public policy. The findings and conclusion provide an important contribution to the broader discussion on the role of the state, particularly the executive arm, as elected representatives, to public policy implementation. It also highlights the importance of public trust in the success of public policy.

Acknowledgements

Gratitude to my family, Victor, Emeka and Makeda, for your support and encouragement.

My uncle, Andile Xaba, thank you for all your support and encouragement. It means the world to me.

I would like to thank the MUS:Urban Management class of 2020, it was a special group. We made it work in a fun way, despite the challenges that 2020 threw at us!

I acknowledge the dedication and encouragement from all my lecturers for the stimulating and engaging classes, and for holding our hands through a challenging year of virtual learning

A special acknowledgement for my supervisor, Professor Sarah Charlton. It was a pleasure working with you, thank you for your guidance.

List of Abbreviations

GFIP	Gauteng Freeway Improvement Project
SANRAL	South African National Roads Agency Limited
OUTA	Organisation Undoing Tax Abuse
COSATU	Congress of South Africa Trade Unions
SACP	South African Communist Party
DMTN	Domestic Medium Term Note
RDP	Reconstruction and Development Programme
GEAR	Growth Employment and Redistribution
NRA	National Roads Act
NRB	National Roads Board
NRF	National Roads Fund
BOT	Build Operate Transfer
FROM	Fund Rehabilitate Operate Maintain
SAVRALA	South African Vehicle Rental and Leasing Association
SOEs	State Owned Enterprises

List Of Figures

Figure 1:	Conceptual Framework Diagram
Figure 2:	Total Transport and Road Infrastructure vs Net Fuel Levy
Figure 3:	Southern African Road Corridors
Figure 4:	Gauteng Freeway Improvement Scheme Network
Figure 5:	A summary of objections to GFIP raised in 2011
Figure 6:	Government Gazette Notice Publication
Figure 7:	A diagrammatic timeline of GFIP Implementation
Figure 8:	Governance Structure of SOEs
Figure 9:	GFIP Post Implementation Public Participation: A timeline

List Of Tables

Table 1:	Planning and its role for public participation
Table 2:	Research Source Material
Table 3:	Details of Respondent Interviews
Table 4:	Toll Declaration Notices Published by Sanral
Table 5:	GFIP Notices published in newspapers
Table 6:	Notification of Affected Authorities

Table of Contents

Declaration i
Dedication ii
Abstract iii
Acknowledgements iv
List of Abbreviations v
List Of Figures vi
List Of Tables vi

CHAPTER ONE: NATURE OF THE RESEARCH STUDY 3
1.1 INTRODUCTION 3
1.2 BACKGROUND 4
1.3 PROBLEM STATEMENT AND RATIONALE 7
1.4 RESEARCH OBJECTIVE 8
1.5 RESEARCH QUESTION 8
1.5.1 Sub-Questions: 8
1.6 CONCEPTUAL FRAMEWORK 8
1. 7 RESEARCH METHODS 9
1.8 CHAPTER OUTLINE 10

CHAPTER TWO: LITERATURE REVIEW 12
2.1 INTRODUCTION 12
2.2 ELECTRONIC TOLLING 12
2.3 PUBLIC PARTICIPATION 14
2.3.1 The purpose of public participation 18
2.4 THE GAUTENG FREEWAY IMPROVEMENT PROJECT (GFIP) 21
2.5 CONCEPTUAL FRAMEWORK 21
2.5.1 Seeking Consensus 23
2.5.2 Collaborative Participation 24
2.5.3 Dissensus 24
2.5.4 Consideration Of Input 26
2.5.5 Acceptability 27
2.6 CONCLUSION 28

CHAPTER THREE: RESEARCH METHODOLOGY 30
3.1 INTRODUCTION 30
3.2 RESEARCH DESIGN 30
3.2.1 Case Study Design 31
3.3 RESEARCH METHODS 32
3.3.1 Case Study 32
3.3.2 Data Collection and Analysis 32
3.3.3 Interviews 34
3.3.4 Interview Guide 35
3.4 ETHICAL CONSIDERATIONS 36
3.4.1 Consent 36
3.4.2 Anonymity 36
3.4.3 Researcher Positionality 36
3.5 LIMITATIONS OF THE STUDY 37
3.6 CONCLUSION 38

CHAPTER FOUR: CONTEXT AND OVERVIEW 39
4.1 INTRODUCTION 39

4.2 HISTORY OF ROAD FUNDING IN SA 39
4.3 ROAD PRICING 40
4.4 THE NATIONAL ROADS AGENCY: SANRAL 42
4.5 USER PAY PRINCIPLE 43
4.6 ROAD TOLLING 43
4.7 SA BUDGETING PROCESS 44
4.8 GAUTENG FREEWAY IMPROVEMENT PROJECT (GFIP) 46
4.9 CONCLUSION 52

CHAPTER FIVE: FINDINGS ON GAUTENG FREEWAY IMPROVEMENT PROJECT: PUBLIC PARTICIPATION PROCESS FOLLOWED 53
5.1 INTRODUCTION 53
5.2 PROBLEM STATEMENT AND RESEARCH OBJECTIVE 53
5.3 MAIN FINDINGS 54
5.3.1 Role of Sanral 54
5.3.2 Role of Government 55
5.3.3 GFIP Conceptualization and Development 57
5.3.4 The Cabinet Process 59
5.3.5 Toll Declaration Consultation Process 61
5.3.6 Notification of Affected Authorities 66
5.3.7 Comments Received 67
5.3.8 Ministerial Approval 69
5.4 IN SUMMARY 71
5.5 CONCLUSION 71

CHAPTER SIX: ANALYSIS OF FINDINGS 73
6.1 INTRODUCTION 73
6.2 BACKGROUND ON ROLES AND RESPONSIBILITIES: TRANSPORT SECTOR 73
6.3 ANALYSIS ON RESEARCH FINDINGS 76
6.3.1 Research Question 76
6.3.2 The nature of the GFIP public participation process 77
6.3.3 How the public consultation process shaped and influenced implementation of the project 81
6.3.4 The disjuncture between the opposition raised to urban tolling, and what was actually approved and implemented 85
6.4 CONCLUSION 89

CHAPTER SEVEN: CONCLUSION AND RECOMMENDATIONS 91
7.1 INTRODUCTION 91
7.2 RESEARCH OBJECTIVES 91
7.3 SUMMARY OF MAIN FINDINGS 92
7.3.1 The nature of the public participation process 92
7.4 IMPLICATIONS OF THE STUDY 96
7.5 RECOMMENDATIONS 97
7.6 FURTHER RESEARCH 98

REFERENCE LIST 99

ANNEXURES 109
ETHICS CERTIFICATE 110
INFORMATION SHEET 111
PARTICIPANT CONSENT FORM FOR AN INTERVIEW 113
INTERVIEW GUIDE AND QUESTIONS 114
PLAGIARISM DECLARATION 116

CHAPTER ONE: NATURE OF THE RESEARCH STUDY

1.1 INTRODUCTION

South Africa (SA) has a democratic representative system, which recognizes that citizens still reserve the right to participate in policy processes and decisions that affect their way of life. Even though the representative democratic system gives elected politicians authority to make and implement decisions on issues of common good, it can, and is often said that citizens should still reserve the right to participate in policy processes and decisions that fundamentally change their way of life (Houston, 2001; Hysing, 2015). This is an established principle and practice, especially in local government, but the method of application can be unclear or indirect in the national sphere.

Stakeholders, and their level of engagement and participation in the policy or project development process should determine what programmes and projects get implemented and how this happens. Ultimately, projects can be, and usually are a key element of governance. The term 'projectification of public policies' captures this phenomenon of projects being a key and practical element of governance (Sjoblom et al, 2016). The implementation of the Gauteng Freeway Improvement Project (GFIP), which introduced urban tolling, is one such example of projectification. Hysing (2015) contends that stakeholder and citizen engagement and participation lies at the center of normative democracy and that participation becomes even more pertinent when the proposals introduce behavior-changing policy such as congestion pricing. Electronic tolling is a congestion management tool.

The GFIP, popularly known as E-Tolling, was implemented by national government in SA from 2007, on a national road going through the urban areas of Gauteng province. This project introduced electronic tolling; a first of its kind in South Africa. The affected cities are Tshwane, Johannesburg and Ekurhuleni (Mawela et al, 2014).

This urban tolling project was implemented by the South African National Roads Agency (Sanral) to expand and improve the freeway capacity of the Gauteng Province for the purposes of easing growing congestion on the province's road network and ultimately contributing to positive economic growth in the country's economic heartland. Sanral commenced with a consultative process, followed by construction in 2008, after receiving Cabinet approval (Gabriella, 2011).

The public and various stakeholders had initially positively received the project and there were few objections received during the consultation stage, but the opposition grew substantially towards the implementation stage, after the toll gantries were installed along the road network. There was intense scrutiny and opposition to the funding mechanism of the project, particularly the requirement for road users to pay back the loan through tolls, rather than through public taxes (Mawela et al, 2014; OUTA, 2019).

The popular view is that there was very limited consultation on the GFIP project whilst others have gone as far as saying that there was a deliberate concealment of the facts on what the project actually was (OUTA, 2019). Government has maintained that there was adequate consultation and that the project is in line with both the transport and budgeting policies and legislation. This research explores the question of why the public participation process was unable to anticipate and deal with the high levels of resistance to urban tolling.

1.2 BACKGROUND

According to Jordan et al (2002), governance is the creation, execution and implementation of activities supported by the common goals of citizens and organisations, which may, or may not have formal authority or policing power. Governance is also defined as a coordinated way of developing and implementing policies and programmes as well as directing society, through a coordinated set of controls, various forms of cooperation with a varying number

of stakeholders. The stakeholders will typically include the public sector, civil society and the markets (Kuokkanen, 2013).

Looking at urban governance specifically, Avis (2016:5) defines urban governance as 'how government (local, regional, and national) and stakeholders decide how to plan, finance and manage urban areas'. This is a contested space, with ongoing negotiation over the allocation of resources and political power. Ideally, participation should not be left only to well resourced interest groups, but should involve broader sections of society. Public participation is meant to "forestall implementation deficits, and promote public support for, and understanding of tough policy decisions" (Hysing, 2015:2). In the case of the GFIP, the public participation process did not manage to attain this goal, and this has hobbled project implementation. This research aims to explore why the participation process failed to secure broad public support for GFIP.

The GFIP project includes the upgrading of existing freeways, and the construction of new freeways within the Gauteng Province road network. The implementation period of the total scheme was meant to be 30 years, implemented in phases. Due to the 2010 FIFA World Cup, some roads were identified which had to be upgraded in time for the 2010 event (Phase A1). To date, only Phase A1 has been implemented, with the rest having since been shelved indefinitely, due to the implementation challenges experienced (Sanral, 2011).

The freeway infrastructure upgrades were supported by all sectors of society, but there are high levels of disapproval of the funding mechanism, and the principle of recouping costs directly from the users through urban tolling. The project even led to the formation of a civic society called Opposition Against Urban Tolling Alliance (OUTA), in 2012. The organisation was later renamed Organisation Undoing Tax Abuse, and registered as a non-profit company to tackle misappropriation of public funds and corruption. The Gauteng Provincial government also publicly opposed the project, thus backtracking on previous declarations of support, in the face of a public backlash (OUTA, 2019).

The GFIP project was launched in 2007, following Cabinet approval. Cabinet approved that Sanral could raise funding for the project through the raising of bonds in the capital markets, build the infrastructure, and implement electronic tolling to pay back the debt, and to fund maintenance going forward (Gabriella, 2011; Motlhanthe, 2012). Sanral then commenced with the processes of declaring a toll road, through the publishing of a government gazette, and some print advertisement, in line with the requirements of the Sanral Act of 1998. Members of the public were requested to provide comments on the toll declaration to Sanral, within a period of 30 days from the date of publishing. These comments were included in the submission that Sanral sent to the Minister of Transport, to approve the toll road declaration. Sanral had to demonstrate that they had taken them into account, before the Minister could approve. The Minister was satisfied with the responses provided by Sanral to him, and the toll road declaration was approved.

The project went through the budgeting process, construction commenced for Phase 1A, and was completed, but was rejected, through public statements, by the Congress of South African Trade Unions (COSATU), the South African Communist Party (SACP), and by the general public. It is important to state that the criticism leveled against the project was not only on the perceived lack of consultation, but also included other concerns on the constructions costs, unavailability of viable alternatives for motorists, and the economic impact in Gauteng (Gabriella, 2011).

Since the electronic tolling began in 2011, various other public consultation processes have been embarked on, various public representatives, the different ministers of transport, the different presidents and deputy presidents, as well as the premiers of the Gauteng province, have made different undertakings and commitments to resolve the E-tolls saga, with no specifics outlined. To this day, electronic tolling still continues, with an abysmal compliance and payment track record. Revenue collection, once projected at R300m a month, is standing at between R60 to R70m monthly (Williams, 2017). This has led to the

deterioration of Sanral's financial stability, resulting in a credit downgrade by Moody's Investor Services, in 2018, to a negative outlook. The ratings outlook was improved in 2019, to a stable rating. This was due to increased financial support from the national fiscus, to enable SANRAL to meet its debt obligations (Engineering News 2018; BusinessTech, 2019).

1.3 PROBLEM STATEMENT AND RATIONALE

South Africa is regarded as a country with a progressive constitution, which is the bedrock of our constitutional democracy. An essential element of this democracy is the fairly comprehensive legal framework for public participation (Houston, 2001). This framework guides the consultation processes for the implementation of planning and management strategies, policies, programmes and projects (Booysen, 2019). The UN Habitat Agenda states that participatory and consulting mechanisms should ensure that all voices are heard in the identification of problems and priorities, and in the setting of goals and the implementation of programmes. Sjoblom et al (2012) states that projects should be seen as the main implementation tool in the governance of cities.

Participation is about the involvement of communities, citizens and all stakeholders in all the phases of the urban planning and development process (Turner, 2004). In the national sphere, project conceptualization and development tends to be led by technocrats in government departments and agency heads but executive approval is always necessary prior to implementation. This process is also supported and legitimized by some form of public participation, in accordance with the applicable legal requirements (Sloane, 1974; Hysing 2015).

The GFIP public consultation and project implementation process seems to point to a potential citizen participation deficit in the national sphere. This needs to be assessed for its shortcomings and possible improvement for other similar projects, so that there can be a better understanding of what a consultation process should entail, at what stage it needs to be done, and who must be

consulted, in order for it to be valid and credible. This research is a critical enquiry into why the participation process of the GFIP was ineffective in anticipating and addressing the negative public sentiment and resistance to urban tolling.

1.4 RESEARCH OBJECTIVE

To assess why the public participation process for the implementation of the GFIP, a national project, was ineffective in anticipating the high levels of opposition to urban tolling.

1.5 RESEARCH QUESTION

Why was the public participation process for the urban tolling aspects of the GFIP unable to anticipate, and respond to the opposition to urban tolling?

1.5.1 Sub-Questions:

1. What was the nature of the public consultation process for the project?
2. How did the public consultation process shape and influence the implementation of the project?
3. What explains the disjuncture between the opposition raised to urban tolling, and what was actually approved and implemented?

These questions are posed and analyzed through evaluating the planning, decision-making, consultation and implementation processes of the Gauteng Freeway Improvement Project.

1.6 CONCEPTUAL FRAMEWORK

This framework derives its theoretical grounding from the Communicative and Collaborative Theory, together with the Agonistic Pluralism Theory. Communicative theory has been viewed as a new and progressive planning paradigm for the transport sector since the early 2000s, due to the acknowledgement of transport problems as being complex and thus wicked, meaning that the solution are also equally complex, varied and costly (Tornberg and Odhage, 2018).

Transport practitioners and agencies are increasingly required to deal with issues that go beyond the prediction and provision of transport infrastructure. They are also required to deal with the externalities of such infrastructure in broader society, travel behavior modification, land use and environmental considerations, and also implications for social justice (Vigar, 2017). This highlights how transport issues are interdependent, attracting a diverse set of stakeholders and interests. Transport challenges have become more complex and politicized (Willson et al, 2003).

The main criticism for the communicative and collaborative theory is its seemingly relentless pursuit of agreement, at all costs. The emergence of the theory of agonistic pluralism mainly challenges this prioritization of argumentative types of communication. Agonism is more in favour of a variation in terms of the voices represented, with different types of opinions and persuasion, rather than the rationally motivated type of consensus (Mouffe, 2007). The Conceptual Framework explores notions of Consensus, Dissensus, Consideration, Collaboration and Acceptance, using the GFIP case study to inform the conversation and debates on the nature and meaning of participation in public policy and implementation. Further discussion on the framework and its components is found in the literature review chapter.

1. 7 RESEARCH METHODS

The research method is a case study based approach, studying and analyzing policy documents, official reports, the published gazette notices, court judgments and other written documents on the GFIP. This documentation will assist with narration of the origins of the project, who was consulted, what inputs and concerns were received, and if those were taken into consideration in the final project plan. The dissertations written by other scholars on GFIP public consultation also form part of the documents consulted for this study. The research project by Khanyile (2015) also looked at the same subject, but the

approach differed in that it focused more on the science of public participation and conducted research on public perceptions and experiences with GFIP.

This approach was combined with semi-structured, virtual interviews with selected respondents who are public officials from the Department of Transport and Sanral. The interviews were guided by four broad themes:

a. Motives for the GFIP project
b. Objectives of the policy and the project
c. Identification of stakeholders that were involved and what their roles were
d. The process that has been followed since inception, to seek political and public support for the project

The interviews assisted the researcher by providing more in-depth accounts of the process for the purpose of complementing and clarifying data from the policy documents. It was already known that Sanral sought public input and opinion on the project after Cabinet had approved the project in 2007, through a published gazette notice. The research process was able to ascertain which stakeholders were involved in the project-planning phase, how they represented the general public, and whether there was any anticipation of public resistance to the project.

1.8 CHAPTER OUTLINE

Chapter 1: This chapter introduces the study, providing a broad background of consultation, its significance in governance, the rationale for the study, problem statement, research aim, the research questions and an introduction of the conceptual framework.

Chapter 2: The Literature Review chapter unpacks the discussion on public participation, looking at the meaning and purpose of participation, in the process of developing and implementing public policy. It also provides further context on Sanral, its general mandate and lastly, unpacks the conceptual framework. The framework is built on the foundation blocks of the communicative and

collaborative planning theory, which emphasizes consensus and collaboration, and also the theory of agonistic pluralism, which proposes using disagreement and dissensus in a pluralistic society, as a means of fostering change and acceptance of contentious policy decisions.

Chapter 3: The Research Methods section details the approach taken for the gathering of data, through desktop research and interviews with officials from Sanral and the Department of Transport.

Chapter 4: The Context chapter delves into the history of road infrastructure funding in SA, the policy that informs the user pay principle and the mandate of the agency Sanral. It also provides the background of the GFIP, initially a provincial project, as well as the road network, and transport challenges of the province.

Chapter 5: Gauteng Freeway Improvement Case: this chapter reports findings on the participation and approval process followed for the project. This commences with an assessment of the policy adoption process for the user pays principle and then leads to the public participation process that was led by Sanral, specifically for the GFIP.

Chapter 6: Discussion and analysis of findings is presented, starting with a brief outline of the different roles and responsibilities of the department of transport and Sanral, how they relate to the broader governance structure and ends with an analytical assessment of the GFIP public consultation process.

Chapter 7: Conclusion and recommendations is the final chapter that has a summary of the key findings and offers recommendations and suggestions for future research. It notes that the GFIP consultation process was limited to the physical aspects of tolling, the confirmation of toll routes and the location of toll gantries. All financial aspects such as project funding and tariffs had already been approved by the executive, as part of their mandate of governing through representation. These aspects of the project were therefore not open for consultation, as was the general expectation of the public.

CHAPTER TWO: LITERATURE REVIEW

2.1 INTRODUCTION

Transport has evolved from being a technocrat and data led function, and must also take into account social as well as political issues. Any transport solution that is implemented to solve an identified problem should ideally be a combination of technical solution for traffic flow, volumes and capacity, as well as social constructs such as improved mobility and access (Vigar, 2017). There are also varied opinions, often as many as there are participants, on what constitutes efficiency, and what the best methods to employ in solving the problem are.

Transport planners are now required to consult citizens in a high level and thorough engagement process, with a constant flow of information and ideas, as well as debate and interaction on the aims and alternatives, from the early stages of policy development (Willson, 2001). This is especially crucial with the introduction of contentious policies. The review covers the concepts of electronic tolling, public participation, the Gauteng Freeway Improvement Project (GFIP) and also includes a conceptual framework that builds on the meaning of citizen participation in a representative democracy, framed by the notions of consensus, dissensus, acceptability and consideration of input.

2.2 ELECTRONIC TOLLING

Electronic Tolling was first conceptualized in 1959 and it entailed the use of electronic transponders or tags in a vehicle as an electronic vehicle identification tool. Gantries are installed in certain areas along the road network, with cameras and automated number plate recognition technology. The car is charged as it drives under the gantry, through the electronic tag that is fitted in the car. (Mawela et al, 2014).

Electronic tolling is generally introduced to deal with road congestion, encouraging a section of road users to move to alternative routes for their

commute. The approach is to toll certain parts of the road network, where full capacity has been reached, to reduce the congestion and improve traffic flow in the overall network (ibid).

Congestion of the road network is a broader societal cost, which has both social and economic implications. Delays on the road have an economic implication, which can lead to increased prices for goods and inefficient use of people's time, which is a labour cost and a social cost, because time spent on the road is time taken away from family and other socially beneficial activities. Congestion also has an impact on the environment, through increased greenhouse gas emissions, and noise pollution. When direct user charges are implemented, it tends to lead to drivers thinking about the trips they make, to minimize cost and make better use of the time spent on the road, and thus, a positive impact on the road network (Standish et al, 2010).

The user pay principle enables government to charge a road user the real and full cost of access to the road, covering the cost of infrastructure, the cost of congestion (environmental degradation), and accident costs, which are both a social and economic cost (Krygsman, 2018). An important aspect of the decongestion strategy is the provision of alternative routes, as well as alternative means of mobility (Mawela et al, 2014), even though the legal requirement to provide an alternative route was done away with in South Africa, in 1996 (Krygsman, 2018).

Another motivation for electronic tolling is the need to find alternative infrastructure funding. The public purse is increasingly under strain and there is often a need to source alternative funding for infrastructure upgrades and maintenance of infrastructure like roads. Tolling therefore regulates road demand, improving congestion, and also provides finance for road infrastructure. Tolling projects are usually contentious because citizens view roads as a public good that should be funded through public finances. The success rate of an electronic tolling project is dependent on it being well designed, meeting its technical objectives and also increasing the convenience

factor for the average motorist by an adequate margin that justifies paying road user charges. The sustainability and viability of the project is also dependent on public and political acceptability (Saleh and Farrel, 2005). Experience in Norway, and to some extent the London tolling experience highlights that acceptability levels for road pricing are affected by:

- High levels of information sharing to the public;
- Government showing the link between revenue collected and direct expenditure on public transport projects and subsidies, to encourage modal shift;
- Road pricing benefits being clearly demonstrable in the early phases of development (Ieromonachou et al, 2006)

2.3 PUBLIC PARTICIPATION

Public participation, citizen participation, public involvement and public consultation tend to be used interchangeably, as a process that denotes the act of participation in public policy, so that the public can have an opportunity to shape or influence decisions. Public participation is considered to be one of the cornerstones of democracy, which should ideally, precede decision-making and implementation (Houston, 2001; Booysen, 2009).

Public participation has, over the years, evolved to become one of the key features in the making and implementation of policy. The extent and nature of the participation is determined by the decision-making context and the planning paradigm that is applicable (Lane, 2005). There are two major decision making methodologies, the technocratic and the democratic method. The technocratic approach applies technical expertise and techniques, to inform decision-making. This is in the context of decisions that are complex and reliant on scientific, evidence based methods of problem definition and for generating possible solutions (Desario and Langton, 1987). Democracy brings in participation and community input into policy choices and decisions. In a representative democracy, a lot of this participation relies, to a great extent on political

representatives, who carry the mandate of the citizenry, granted through the vote (Reshner, 1995a; Calland, 1999).

In the South African context, public participation is meant to encourage debate, the reflection of different views, which is supposed to lead to the development of diverse strategies and policies (Booysen, 2009). SA has a constitutional democracy that is both representative and participatory in nature. The representative part entails a multi-party democracy, supported by regular elections and proportional representation. The participatory nature of SA democracy means that citizens have a right to participate in decisions on public matters (ibid).

The reality of high levels of poverty and inequality tends to widen the gap between citizens and their elected representatives, because of increased marginalization of the poor, often leading to apathy. This can lead to a state of diminished democracy where power is exercised by the elite of society, who are able to influence decision-making (Friedman, 2009). Public participation can therefore become an exercise in public relations or perception management by those elected into positions of power, and nothing more than a placation strategy (Arnstein, 1969).

With all these shortcomings and limitations, the Constitutional Court in SA has ruled, in the case Merafong Demarcation Forum vs The President of RSA that the right to participate does not mean that the public views have to prevail. The court's view is that public participation should supplement representative democracy, in the form of elections and majority rule, and not overrule or veto it (Nyathi, 2008).

"Public participation in the processes of policy and governance in democratic South Africa could be regarded as a cornerstone of society" (Booysen, 2009;1). The post-1994 democratic era led to sweeping changes in government processes. Policymaking changed from "the secretive, technocratic and undemocratic process it was under the apartheid regime, to a more transparent and inclusive

process" (Houston, 2001:9). These are lofty ideals, but application of this in practice has been challenging and difficult to achieve because public inputs can often be based on prevailing sentiment or debates, and can even be in opposition to approved policy. Another potentially limiting factor is the methods of consultation that government uses, which are often slated as being outdated, not keeping up with modern communication methods or technology, and have limited reach to the public (Khatleli et al, 2017).

Sections 59 (1) and (2) of the Constitution of the Republic mandates the government to ensure that obligations on consultation and public participation are met. Section 195, states that the basic principles that govern public administration emphasize the need to encourage the public to participate in policy making. There is no prescribed way to achieve this, but the sections dealing with local government, sections 151 and 152 state that municipalities must encourage community involvement in local government.

The 1998 White Paper on local government takes this further, highlighting key principles of community participation, related to the accountability of local political leaders, the community's right to express their opinions on service delivery, and the need for cooperation between municipal structures and civil society. Whilst public participation is meant to enhance governance in all government spheres, the key focus area for participation seems to be on the strengthening of the municipal ward committee system for feedback and accountability (White Paper on Local Government, 1998).

The conceptualization of the current GFIP was a joint effort between Sanral, Gauteng Province, and the three affected municipalities (Johannesburg initially, then Tshwane and Ekurhuleni). The political representatives were made aware through the briefings of the respective mayoral committees, and it would be worthwhile to establish if there was any expectation on them to extend the consultation to the municipal ward committee system, as the White Paper seems to suggest.

Arnstein's concept of the ladders of participation contends that there are different levels of participation. This model draws a distinction between actual optimal participation, where citizens may have the option of shaping and informing public policy and projects; and processes that might be made to seem like public participation, but are more about information sharing, placation and legitimizing decisions that have already been made. Arnstein asserts that unless citizens have a real opportunity to make an impact on policy, then the participation process is nothing more than manipulation of the participants (Arnstein, 1969). Innes and Booher (2004), seem to concur with this view, stating that government process of participation often leave the public dissatisfied and unheard because their inputs rarely lead to significant changes in policy.

The current nature of participation for projects like the GFIP could be viewed as 'tokenism' on the Arnstein ladder, but its important to recognize that the 'power sharing' with the public model that Arnstein rates as top tier is not typically available as an option, because decision making is politically and legally situated within the confines of established structures and processes (Sinclair and Diduck, 2016). In a representative democracy, public representatives, who make up the executive and legislative arms of the State, are legally empowered to speak on behalf of their constituencies (Reshner, 1995a).

This is supported by the Court's assertion, in a Constitutional court judgment in the case, National Treasury vs OUTA (2012) that " the playing field for the contestation of executive government policy is the political process, not the judicial one" (2012:43). This implies that if citizens are not happy with the decisions being made by their elected representatives, the best way to challenge this is through the political process. This again emphasizes the court's views that the public participation process does not have to lead to consensus and should not veto the representative democratic process, but supplement it (Nyathi, 2008).

Elected governments represent their citizens, making decisions based on the will of the people, and should be accountable for those decisions. The South African electoral system has struggled to deliver this type of feedback and direct accountability to voters. Voting patterns tend to be linked to politics of identity and voters are usually passive participants in policy discussions, with an over reliance on representatives. This tends to be regardless of poor service delivery, policy uncertainty and high levels of distrust (Friedman, 2009) .

The Proportional representation system, operating on the basis of closed political party lists, means that citizens battle to ensure accountability from their representatives, who remain beholden to party political processes for their political status (Mattes, 2002). The frustration with this lack of accountability often boils over into protest action, and even court cases or voter apathy. These have minimal impact in enforcing accountability from the political elite (Friedman, 2014).

2.3.1 The purpose of public participation

These five points include most of the rationalizations that have been raised for why public participation is important and necessary, as outlined by Innes and Booher (2004);

- Participation assists decision makers with insight and knowledge of what the public's preferences are, so as to incorporate these into policy;
- It improves the quality of decisions made by incorporating local knowledge;
- Participation facilitates inclusion, fairness and a sense of justice, particularly when marginalized participants actively participate;
- Public decisions gain legitimacy and acceptance when the participation process has been open to all;
- Public participation is a legal requirement and government institutions are required to be open and seek public inputs on policies and programmes

Sinclair and Diduck (2016) also identify the elements of meaningful participation as:

- Adequate public notice
- Convenient and timely access to information;
- Assistance provided to participants;
- Opportunities for the public to comment, public hearings, deliberative forums
- Early and ongoing participation

The power and ability to influence policy and implementation plans is a significant element of the consultation and participation process, but participants need to have a long-term approach when assessing the outcomes of their interactions and inputs. The power to influence decisions cannot be assessed at a single point of interaction, but over the full life cycle of policy making and implementation (Painter, 1992). In reality however, this is difficult to achieve when the process does not enable ongoing consultations and discussions.

Planning and the role of participation

Level of participation	Planning tradition	Planning school	Planning models
• Citizen control • Delegated power • Partnership	Societal transformation	Pluralism	• Communicative • Bargaining • Marxist • Advocacy • Transactive
• Placation • Consultation • Informing	Societal guidance	Synoptic	• Mixed scanning • Incrementalism • Synoptic planing
• Therapy • Manipulation	Societal guidance	Blueprint	• Blueprint planning • Geddes, Howard • Precinct planners

Table 1: Conception of planning and the role for public participation

Source: Lane, 2005: Compiled from Arnstein (1969), Friedmann (1987) and Hall(1992)

The table above from Lane (2005) illustrates the link between the different models of planning and public participation. It correlates the different

approaches to planning with the Arnstein ladder of participation. It shows the communicative planning model in the category of social transformation, where the state and its institutions have to undergo a transformation, in order to improve the conditions of wider society. This differs from societal guidance, where the state plays a leading role.

In reality, the implementation of policy within the transport sector can often be located between societal transformation and guidance. The problems and the goals that the transport sector have to address tend to be multi-dimensional, traversing different sectors, different spheres of government and are also fairly technical in nature (Tornberg and Odhage, 2018). A significant part of the methods and techniques that the transport planning discipline employs are technical. This includes the use of forecasting and simulation models to predict demand and develop the ideal Origin-Destination Matrix (Vigar, 2017; du Plessis and Joubert, 2012).

Proposed technical solutions are presented to decision makers but still require high levels of engagement with relevant stakeholders and the public, through a rigorous participation process. Modern times are characterized by greater citizen involvement and activism, coupled with increasing suspicion of the 'experts' and there is a need for more engagement of the public. Functional and efficient transport systems and infrastructure are an important contributor to economically competitive and sustainable cities (Vigar, 2017).

This therefore means that the act of planning for, and providing transport infrastructure and services plays the role of societal guidance and/or societal transformation. Transport planning is still a data driven, technical exercise, and levels of participation will likely vary from information sharing to partnership, on the ladder of participation, depending on policy and project stages (ibid).

2.4 THE GAUTENG FREEWAY IMPROVEMENT PROJECT (GFIP)

Cabinet approved the GFIP project on the basis of Sanral funding the project through a bond issuance, the Domestic Medium Term Note Programme (DMTN). The agency was mandated by Cabinet to implement the user pay principle, as endorsed in the 1996 White Paper on Transport Policy, for the repayment of the project debt. The Cabinet approved this option; on the basis that this was the only viable and equitable way for Sanral to go ahead with the project (Motlanthe, 2012).

The GFIP project, and the related electronic tolling scheme was gazetted for public comment on 12 October 2007, for a period of 30 days and also advertised in 6 newspaper publications. The gazette notice was a declaration of a toll road, asking interested persons to comment on the declaration and on the proposed position of the toll gantries. After the 30-day period, Sanral sought the approval of the Minister of Transport for the declaration, which was granted. All this was in accordance with the Sanral Act of 1998. This approach is aligned with the 'consultation' level of participation on Arnstein's ladder of participation. Citizens are provided with information related to a project (GFIP, in this case), with a request to comment.

2.5 CONCEPTUAL FRAMEWORK

Transport planners need to ensure high levels of consultation, engagement and free flowing information from the early stages of development (Vigar, 2017). One of the main considerations and influences in the development of this framework was the principles of communicative rationality and planning. This is because of the influence it has had in transport planning, leading to an increase in communication and collaboration with the public (Willson et al, 2003). Officials are often challenged to go beyond just identifying technical solutions, but to also be cognizant of the decision making process they follow, to be mindful of the levels of participation by different stakeholders and acknowledge institutional realities and constraints (ibid).

Another important aspect that planners and decision makers must accept is the fact that the participation process will be political, and practitioners will often find it difficult to maintain a technical and neutral stance, which a lot of professionals always seem to be most comfortable with. The participants will also not present as a unified group, with a single voice. There will be conflicting and contradictory views and approaches, the planner must be equipped and capacitated to handle this (Mattila, 2019).

Communicative planning theory has grown in influence, to the point of being the most dominant planning theory, even though it has been criticized by Huxley (2000) for being ignorant of the real world power dynamics and the diverse nature of modern society. This dynamic often renders consensus agreement very difficult to achieve. In other instances, the quest for consensus tends to further entrench the dominance of some dominant stakeholders, at the expense of the marginalized, whose voices are seldom amplified in these engagements (Mattila, 2019).

The communicative theory draws on a number of theories and philosophies like the Pragmatist Philosophy, the Giddensian structuration theory and from Habermas' Communicative Action theory (Huxley, 2000). Habermas' concept of rationality is based on "the unconstrained unifying and consensus bringing force of argumentative speech" (Habermas, 1984 cited in Mattila, 2019:2). Participants in a consultative process are guided by the rational need to find agreement on the proposed action.

Communicative planning theory is often referred to as a family of theories, which includes strands of theories such as critical pragmatism, collaborative planning, incrementalism and critical planning. The common thread amongst all these is a planning paradigm that is more democratic, more legitimate, more just and responsive to the needs of the citizens (Mattila, 2019). It rejects the modernist stance of planning being a technical and apolitical process, acknowledging that planning must be genuinely participatory, and should create space for dialogue. (Huxley, 2000).

While the communicative plan accommodates a shared understanding as well as consensus among the stakeholders, it is also constrained by the reality of unequal power relations in society, by a distortion of information and in some instances, by the achievement of consensus that is exclusionary of some less prominent stakeholders and issues (Tornberg and Odhage, 2018). The real world is characterized by disagreement and sometimes conflict. Those who feel excluded or disempowered will often resort to alternative ways to make their voices heard. Attempts are often made by aggrieved stakeholders to influence decisions through protest, lawfare and through the ballot box (Lane, 2005). Agonistic Pluralism offers an approach that can transform conflict and strife into a transformative change agent for society to move forward, to co-exist and to even thrive, in the midst of alternative views and ideas (Pernegger, 2016).

2.5.1 Seeking Consensus

In SA, the act of policymaking, approval and implementation is the legal and political responsibility of the country's executive, assisted by parliament through its responsibility of law making and oversight. They derive this function and power from the electoral process, which grants the winning or governing party the mandate to govern, on behalf of the voting citizens (Nyathi, 2008). Reshner (1995a) defines this political mandate as implicit consensus. A vote for a political party implies buy in to a political and thus administrative vision of the ruling party.

Consulting stakeholders and the public in policy development and implementation is a legal requirement, set out in the Constitution, it is meant to supplement representative democracy, but not veto it. The Constitutional Court has ruled on this matter, stating that the public's right to participate does not mean that public sentiment must prevail (Nyathi, 2008).

This representative democratic system places a lot of responsibility, and thus power, on the elected executive, to make policy decisions on behalf of citizens. It

is a system that has a number of checks and balances, but can be subject to abuse and decreased accountability (Houston, 2001), in the context of a dominant ruling party and the resultant political hegemony. This is supported by the observation that public participation in policy and governance in democratic SA has simultaneously increased in some respects, with the legally recognized obligation to consult, and also decreased in others, with decreased accountability and oversight (Booysen, 2009).

2.5.2 Collaborative Participation

This approach recognizes the big role that participation has to play in planning, and provides a communicative model that provides forums for "dialogue, argumentation and discourse"(Lane, 2005:296), acknowledging the necessity of genuine participation and dialogue (Huxley, 2000). The collaborative theory, developed as a strand of the communicative theory, additionally emphasizes localization of planning. It gives attention to the governance and quality of place and the spatiality of policy initiatives (Healey, 2003).

The approach is also concerned with increasing levels of participation, providing a platform that encourages broad participation and diversity, and thus increases the legitimacy of the process. All participants, whether they are public agencies, private lobby groups of disadvantaged participants have access to the discussions, in a joint process of identifying and solving problems (Innes and Booher, 2004). It also creates a platform that enables and facilitates negotiation, bargaining as well as debate, going beyond consultation and information sharing (ibid).

2.5.3 Dissensus

Democratic governance emphasizes cooperation, consensus and agreement, but this may not always be achievable (Pernegger, 2016). Decisions and policy choices can be contentious and controversial, even when they are in the broader public interest (Innes, 1999). In a modern world that is characterized by pluralism and difference, disagreements are common and in some cases,

differences can be irreconcilable. Agonistic Pluralism, as a theory, contends that consensus seeking is based on deliberative forms of democracy that are actually entrenching political hegemony and unequal power relations. The processes are therefore political in nature and whatever outcomes they achieve remain open to contestation (Pernegger, 2016).

Deliberation is more central to communicative planning (Sager, 2002) whilst agonism explores questions on the state-society relationship, and the inherent conflict of governance. Conflict, viewed through the agonistic lens is permanent, essential and can be an agent of change (Pernegger, 2016). The goal is to turn antagonism and disagreement into agonism, a non-hostile struggle amongst adversaries, where disagreement is seen as a valid and acceptable outcome. This is based on the assertion that a functional and effective society can be achieved in the midst of competing and divergent views and ideas. In a representative democracy, this can be achieved through the direction of those voted into power (Reshner, 1995b).

Proponents of agonism have also conceded that political and governance processes cannot always be defined or directed by disagreement and that in certain instances, consensus does become necessary. This view is put forward without a concrete outline of how this consensus could be achieved, if not through rational deliberation, but Reschner's (1995b) argument that the political process is a form of consensus takes this point forward in a practical way for modern democracy. The South African constitutional court's interpretation of consensus in a modern democracy also supports this view that the executive, as elected representatives, carries the public's mandate, which enables them to make decisions, on behalf of the citizens. It would therefore seem that the communicative, consensus-seeking, and the agonistic dissensus-oriented approaches are not that far apart, or irreconcilable after all (Mattila, 2019).

2.5.4 Consideration Of Input

A functional and effective society can still be achieved in the midst of divergent views and ideas. A participatory process, that facilitates direct citizen involvement in policy decisions, can increase understanding and acceptance of government programmes, even when there is disagreement, but the availability of consultation processes does not always lead to meaningful or effective participation (Grant, 1994). Effectiveness of the participatory process can be measured by the fairness of the dialogue, whether it was inclusive, open and everybody, even those who do not agree with the outcome, felt heard and can see the impact they made to the process (Innes and Booher, 2004).

Ultimately, the consideration of input from different stakeholders-whilst it gives opportunity to be heard, does not have to end in agreement or consensus. The final decision lays with the elected representative-in the case of the GFIP, the Cabinet and Minister of Transport. Worldwide, there is an ongoing debate on the question of who elected officials represent when they are in power but representative democracy also often means that politicians have to make unpopular decisions that advance the broader interests of society, even with active opposition (Reschner, 1995a).

Whilst Arnstein (1969) contends that most participatory processes do not afford citizens with enough power to influence decision-making, there is an alternative argument that suggests that representative democracy is also an appropriate, and sometimes-sufficient form of participation, in the context of a modern bureaucratic state (Norris, 1997). This approach is however increasingly viewed with suspicion by citizens who feel that governments are either unresponsive to their needs or are beholden to special interests, at the expense of the general populace. The formal and legally required participation processes only serve to highlight this suspicion because of their limited and time bound nature (Innes and Booher, 2004).

2.5.5 Acceptability

A consultation process does not always need to be about agreement at all costs, but should also be about creating conditions and spaces of interaction where people and their ideas can find expression and acceptance (Reshner, 1995b). A journey to the point of acceptance or acceptability needs to start with meaningful and sustained participation. This type of collaboration and participation is achieved through the facilitation of meaningful communication between different stakeholders, interested parties, public officials, political office bearers and business. The purpose of these engagements is to make sense of whichever policy and project complexities there are, with the intention of finding agreement and consensus on the nature of the problem, what needs to be done to solve it and also to bring the different parties and stakeholders to accept the outcome of the process (Mattila, 2019). A stakeholder, as a term, denotes both individuals and specific groupings or organisations that are interested or affected parties.

A recurring challenge with this is that even though the intention may be to foster a shared understanding, consensus or acceptability among the stakeholders, it is also constrained by the reality of unequal power relations in society. This can also be influenced by a distortion of information and in some instances, by the achievement of an uneasy agreement that is exclusionary of some less prominent stakeholders and issues (Tornberg and Odhage, 2018). Those who feel excluded or disempowered will often resort to alternative ways to make their voices heard. Decisions can still be influenced through protest, law fare and ultimately, through the ballot box (Lane, 2005).

The conceptual framework is depicted in diagrammatic form (Figure 1) below. For this research, the concepts discussed above, namely Consensus, Dissensus, Consideration of Input and Acceptability are illustrated in a cyclical process, with each of them informing the process of decision-making. As elucidated in the section on Dissensus above, in certain instances, the process of governance does require consensus and agreement, in order to improve success rates of initiatives like the GFIP, a project heavily reliant on public agreement and cooperation.

Consensus sits at the top of the cycle, showing that a project can go through various stages, through dissensus, the consideration of conflicting inputs, but government should invest the necessary time and resources to achieve a level of acceptability and ultimately the consensus that will at least secure the co-operation of the users, i.e. the public in he case of GFIP.

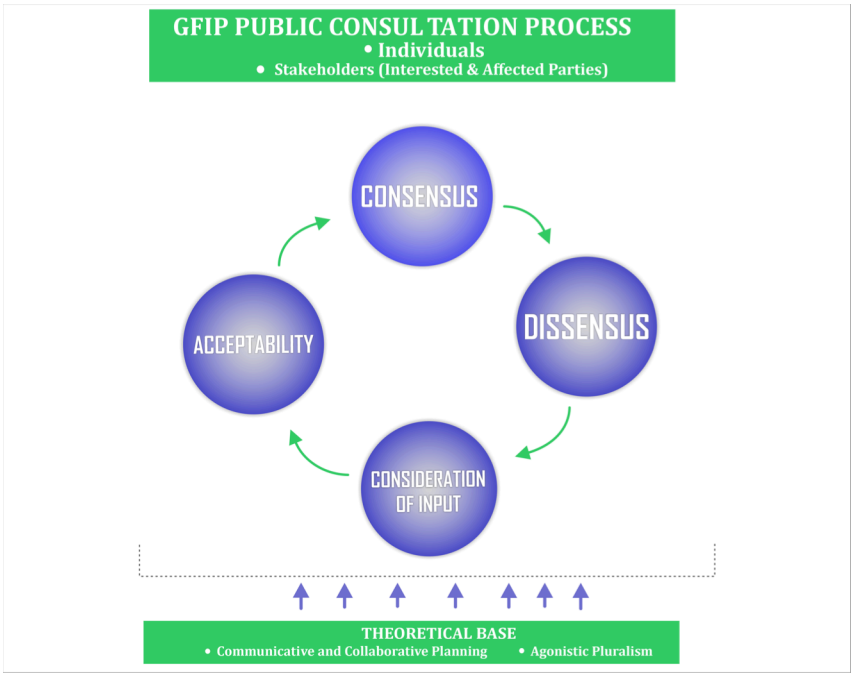


Figure 1: Conceptual Framework Diagram, (Author's own, 2020)

2.6 CONCLUSION

This literature review has shown the importance of a collaborative and comprehensive participation model for the transport sector, especially for highly contested initiatives like urban tolling. Collaborative planning and participation has been well adopted by the transport sector, and completes the transformation process that transport has undergone, shedding its old technocratic approach, but the application must be consistent with the theoretical principles of wide ranging consultation, involving all stakeholders equally, at the earliest possible time. The literature points to a conclusion that any governance method that is

contingent on consensus may be too fragile for a pluralistic society. Consultation remains an essential and defining requirement in a democracy but a functional society can be formed in the midst of disagreement and difference. The literature review and conceptual framework will form the theoretical basis for the study going forward. The next chapter covers the methods of research used for the study.

CHAPTER THREE: RESEARCH METHODOLOGY

3.1 INTRODUCTION

This chapter will outline the methodology for this research, using the case study design method, to explore and understand the public participation process of the Gauteng Freeway Improvement Project. This approach is supported by the collection and analysis of secondary data, as well as semi-structured interviews. It also includes the ethical considerations that informed the research, as well as some of the challenges and limitations that were encountered.

3.2 RESEARCH DESIGN

Kumar (1999) describes the research design as a practical plan that the researcher develops and adopts to answer the research question in a way that is valid, objective and accurate. The design tells the reader how the study was conducted, the methods used to collect information, how it was analyzed and finally, how the findings will be communicated. An appropriate design provides the structure and strategy for finding answers to the research question (Kumar, 2011).

The purpose of this research is to assess the GFIP public participation process, in an effort to understand the process followed, and the impact that it has had on project implementation. The most appropriate research approach for this study is the qualitative research method, which will enable the researcher to "explore, discover and clarify situations", and circumstances that led to the implementation of the project (Kumar, 1999:104).

The purpose of a qualitative research study is to understand phenomena through a study that provides insight on the perspectives and choices made by the people involved in particular situations (Kaplan and Maxwell, 2005). The study designs in qualitative research are regularly based on deductive logic, which is flexible and tends to follow an exploratory and non-linear logic. A qualitative study gives the researcher freedom to explore and study the context as well as sub-contexts

of public consultation and participation. This is achieved through a set of well-designed questions posed to interview respondents and through the analysis of data (Kumar, 1999, Gabriel, 2011).

The nature of the research problem tends to determine the research design, the methods that will be used and the type of date that will be collected (Gabriel, 2011). In order for the researcher to understand the implementation process of the GFIP project in the necessary detail, the case study method, supported by secondary data analysis and interviews, is the most appropriate approach.

3.2.1 Case Study Design

This method is the most useful and appropriate in the context of this research where detailed knowledge is required. By studying the public participation process for this project in detail, the researcher can pointedly and accurately respond to the research question, and also identify principles that can be "extrapolated to similar cases" (Hofstee, 2006:123). The aim is not to generalize the findings for universal applicability, but to gain a deeper understanding of the subject, in relation to a specific case and context, and thus provide answers to the research question (Duminy et al, 2014).

A case study approach enables a deeper understanding of a topic or phenomenon, whilst studying the various data sources of a specific case, gathering as much data as needed for proper understanding and analysis, and using the literature review to develop a sound theoretical base and context (Mouton, 2001). In order to enhance the usefulness and applicability of the data in this case, it was necessary to enhance the approach by combining the case study with secondary data analysis, supported by semi-structured interviews.

3.3 RESEARCH METHODS

3.3.1 Case Study

The case study design is useful for the purposes of exploring and understanding a phenomenon, rather than to conform or quantify the occurrence. It is a way of constructing a theory and analyzing material and information that exists on a particular case, reflecting and analyzing why and how it came to be that way (Mouton, 2011). This approach enriches the debate on public participation and the GFIP project, providing an in-depth and multi-perspective analysis (Maree, 2010). It will provide both an overview and in-depth understanding of the subject (Kumar, 1999). This method is also characterized by a flexible and open-ended method of data collection and analysis. Critics of the case study method often cite this as one of the reasons it is less rigorous and therefore unscientific. Combining a case study with other methods and using multiple sources of data, enhances the credibility, validity and reliability of the data (Ieromonachou, 2005, cited in Netshidzati, 2013).

3.3.2 Data Collection and Analysis

There are two recognized approaches to the process of gathering information when studying a problem or phenomenon. Data collection can be done either through collecting the required information, which is primary data, or extracting and analyzing information that is already available, which is secondary data collection (Kumar, 1999). The GFIP is a project that has experienced high levels of public interest, reviews and has been a subject of a court case. This means that there is a fair amount of secondary data, a lot of it publicly available, that the researcher had access to. The purpose of this exercise is to extract both descriptive and narrative information (Hofstee, 2006), in order to enhance and further the overall objective of exploring and understanding the implementation process of the GFIP project. This exercise was supplemented by the in-depth, semi-structured interviews.

The researcher was advantaged by a more personal insight of the GFIP project and its history with public participation. This is due to having been part of the project team that conducted the 2011 public consultation process that was led by the Department of Transport. Some documented input from Sanral, National Treasury and the Gauteng Province from 2011 were drawn from the researcher's personal archives. This was supported by additional secondary data that was available online, from the Sanral and OUTA websites, newspaper articles published online, expert presentations in different platforms, meetings and conferences that was available online, as well as previous research that has been done by other scholars and organizations.

The next step was to identify the documented information from the GFIP court case, both from the Gauteng North High Court and the Constitutional Court. The judgments from the two court cases provided detail and context on the public participation and stakeholder engagement efforts that Sanral had engaged in prior to the declaration of the toll road in 2007 and 2008. They also quoted from the extensive record that was submitted by Sanral and government, which narrated and outlined the history of the project. The record itself was not fully available online, but the OUTA website was an invaluable resource in accessing at least a portion of some of the documentation that had supported the court case.

The researcher also made contact with OUTA, seeking assistance with some documentation which had been removed from their website. Whilst they were able to provide some guidance, they were unable to share a lot of the voluminous files that were now with their attorneys. They did however, commit to recreating a folder of some of this archived information back on their website, recognizing that it is of value to keep it in the public domain. This was a medium to long-term project however, and would be of limited assistance this study.

The North Gauteng High Court has a publicly available filing system of court records. The researcher was able to visit the court building after the hard lockdown in 2020, but unfortunately, the court records from court cases that

dated back a certain number of years had been moved offsite, to a location in Polokwane , a venue, which was inaccessible to the general public.

The researcher also made contact with the Sanral North offices, which have the same public records in storage but could not secure the required approval for access, despite providing all the documentation that they requested. They did however share the 3 seminal court judgments from the three different courts that have made findings on this case.

The table below lists the different categories of secondary data that was used.

Research Source Category	Key Documents
Government Documents	Government Policy Documents (Transport, National Treasury) Committee Reports (GFIP Steering Committee, Public Entities Review) Personal Archives
Legal Sources	Court Judgments Court Case Record
Academic Sources	Journal Articles Research Dissertations Academic Books
Non-academic sources	Newspaper Articles Expert Presentations found online Press Releases OUTA Website

Table 2: Research Material Sources (Author's Own, 2020)

3.3.3 Interviews

Burns (1997) describes an interview as a person-to-person interaction, which can be done in person or through different mediums of communication, between two or more individuals. Interviews can be conducted at different levels of formality and specificity (Kumar, 1999). Research interviews serve an important purpose of providing insight into the views, experiences and motivations of the

chosen interview candidates (Maree, 2010) thus highlighting the importance of selecting the correct and relevant people for the task. Semi-structured interviews were conducted with two officials, one from the Department of Transport and one from the agency Sanral. Both interviews were conducted virtually, using the Zoom platform, which was preferred by the respondents.

The interviewees were selected based on their expertise, their roles within the organizations, and their involvement, both previous and current, with the GFIP. The Sanral interviewee was a strategic choice due to the fact that he was involved with the project from inception, whilst working for the Department of Transport, and is now with Sanral. The department respondent is in the roads division, which conducts agency oversight, meaning they are familiar with Sanral operations, and also advises the Minister on road policy matters. With the researcher having worked for the Department of Transport as well, it was easier to identify the most relevant people to speak to. Reaching out to the interviewees and securing the dates was also facilitated by the professional relationship that the researcher has with both individuals.

Interview Respondents	Organization	Date of Interview
Respondent 1 (Sanral Respondent)	Sanral	09h00 am; 30 September 2020 on Zoom
Respondent 2 (DoT Respondent)	Department of Transport	14h30 pm; 30 September 2020 on Zoom

Table 3: Interview Details (Author's own, 2020)

3.3.4 Interview Guide

A prepared interview guide (included in the annexures), channeled the discussion with the respondents, even though it was conducted in an informal and flexible way. The interview guide was used to develop questions covering the broad themes of project rationale, project approval as well as the public consultation process. The set of questions differed slightly for each respondent, to reflect the different roles of each organization.

3.4 ETHICAL CONSIDERATIONS

3.4.1 Consent

The main ethical concerns for this research was ensuring that all participants have given consent on their involvement in this project and that the researcher assures them of confidentiality of their participation and inputs.

Consent was sought verbally, initially at the time the researcher was securing appointments for the interview dates and again at the beginning of the interview, and also re-iterated during the discussion, so that it could be recorded as part of the interview.The participants were advised that their personal details would not be included in the research report. This was important for both respondents because there were certain details that they shared with the researcher with caution that the matter must be treated with due consideration and thoughtfulness in the final report, and they both shared that they expected the researcher to understand the sensitivity of discussions on GFIP. The researcher had to assure the respondents of the confidentiality of inputs during the interviews and that these will not be shared with others. The data and interview material has been stored in a personal, password protected computer.

3.4.2 Anonymity

The respondents were also guaranteed that they would be anonymous and the researcher has ensured that the inputs and information that the respondents provided cannot easily be attributed to any specific individual.

3.4.3 Researcher Positionality

The researcher has had prior knowledge and experience with the GFIP. This experience was limited to a 2011 public consultation drive that government had embarked on, when the public opposition to the project first emerged. The interest in studying this project was motivated by the fact that government, at the time, did not want to assess what went wrong with the previous process, but was intent on managing the then present crisis, especially the political fallout. The researcher felt that this was a glaring ommission. This project has been a

genuine search for answers to questions that the researcher had on the subject of consultation and how it can be linked to accountability and also lead to efficient project implementation.

The researcher had access to documents such as the 2011 Steering Committee report, briefing notes and all the submissions that were made by the various stakeholders. There were also inputs made by Sanral and the National Treasury which provided detail on the project conceptualisation as well as policy formulation insight which are not confidential, but would not have been easily accesible to any member of the public. Lastly, being a former national government employee gives the research work some advantage on understanding government internal decision making processes and also knowing what type of information to search for and where.

3.5 LIMITATIONS OF THE STUDY

The informal and flexible nature of the interview process had the potential to be affected by the researcher's bias and their familiarity with the respondents. This was carefully managed through the prepared interview guide and questions and the respondents were more comfortable with sharing even more information than they would have with an unknown person. The integrity and validity of the data was maintained. Conducting interviews on a virtual platform was a limitation due to the lack of visuals and the ability to read body language, but was assisted by the fact that the researcher was conversing with former colleagues. There is also the possibility that the researcher's personal and professional bias may have influenced the research outcomes, although all attempts have been made for the work to be guided by a sound literature and theory base, as well as evidence obtained from data sources.

The difficulty with accessing what is actually public information for secondary data analysis was not anticipated by the researcher but was a limitation that was overcome, to a large extent by relying on the court documents, information that was provided by Sanral in 2011 and through the interviews. The access to

information from private archives and more intimate knowledge of the project was valuable for this work.

3.6 CONCLUSION

This chapter has outlined the benefits of the case study method, supported by secondary data collection and analysis, for the purposes of assessing the public participation process for the GFIP. The data collection and analysis process has also been conscious of the challenge of availability of information, which had to be analyzed in a way that demonstrates validity and credibility of both the data and the findings. The next chapter provides the contextual background to the GFIP, as a both as a project and the physical location aspects.

CHAPTER FOUR: CONTEXT AND OVERVIEW

4.1 INTRODUCTION

Road infrastructure is a public good whose value and necessity is appreciated by all in society even though the methods and means of funding are always up for debate. This chapter offers the context of road funding in South Africa, starting with an overview of how toll roads, as a road pricing mechanism were first introduced, a discussion that leads to how modern day Sanral, as a government agency was established. It also provides a useful explanation of the linkages between transport infrastructure policy with the budget policy and how this informed the implementation of the GFIP as a road funding strategy.

4.2 HISTORY OF ROAD FUNDING IN SA

Funding for the building and maintenance of road infrastructure has a long and fairly complex history in South Africa. It is important to note that tolling is not the only available option for funding, or for direct user charges. It is one of a number of instruments for collecting revenue from road users (Krygsman, 2018). Road tolling is also not a recent phenomenon, the first toll road in SA is from the 1800s, Sir Lowry's Pass, in the Cape. The first urban toll was also in the Cape Colony. This was a charge that was levied for every horse drawn cart, ox wagon going into Cape Town and the funds were used for the building and maintenance of roads (ibid).

Road funding has always been characterized by insufficient funds, and an ever-increasing demand for roads (Pienaar, 2011). The first National Roads Act was passed in 1935; before this, the responsibility for the national road network was a provincial responsibility. Due to their limited tax base, provinces were unable to meet the demands for roads (Niewoudt, 2009). The National Roads Act called for the establishment of a National Roads Board (NRB) and a National Road Fund (NRF). The NRF was funded through a financial appropriation of parliament and also through customs levies on fuel.

The Roads board was responsible for the development of specifications for new roads, supervising construction and re-imbursing provinces, which were still tasked with the construction and maintenance of national roads (Pienaar, 2011). Funding received through the NRF was never sufficient for road infrastructure demands, despite the constant increases of the quota received from fuel levies. There was a constant need for more levy increases, and for more government allocations. In 1948, the National Transport Commission (NTC) replaced the roads board, with the same funding model in place (DoT, 1991).

The next major legislature change was the promulgation of the new National Roads Act, (Act 54 of 1971), which assigned full and exclusive responsibility for the planning, development, construction and maintenance of national roads to the NTC, and no longer provinces. Another round of increases on fuel taxes ensured that for the first time, there was a surplus of funds in the road fund. The surplus of funds did not however, last for a long time (ibid).

From 1974, the NRF reserves and incomes started to decline again. The 1970s oil crisis led to a raft of fuel conservation measures being introduced, leading to the income decline. This also coincided with a significant escalation of road construction costs. By 1980, the reserve funds had been depleted and the NTC had to request a National Treasury bailout, which came in the form of loan funding, in order to complete ongoing projects. This was a once off arrangement and the NTC had to start investigating new sources of funding for any future road projects (Pienaar, 2011; Krygsman, 2018).

4.3 ROAD PRICING

The concept of road pricing tends to be controversial, eliciting strong views, both for and against it. The term includes both direct and indirect charges on road users. It can also be referred to as road user charging, road tolling, open road tolling, congestion charging and electronic road pricing. These terms are often used interchangeably and this often depends on chosen terminology in different countries (Walker, 2011). Road pricing creates new funding streams for

transport and the enhanced infrastructure and transport services often lead to an improved quality of life in cities due to less congestion, and also improved economic performance (Doan, 2010).

When the NTC was running out of options on how to access additional funding for roads from the state, a parliamentary select committee was appointed to investigate road-funding options and make recommendations on a way forward. As part of this process, the NTC started investigating alternative financing options, by introducing road pricing. Through this more direct approach, government would move a step closer to charging road users for the actual cost of a road, and thus improve efficiencies in transport. The improved efficiencies are brought about by the fact that road users start planning their trips better, ensuring better value for money when using the road network. Secondly, the usage of public modes of transport tends to increase with the introduction of a road user charge (Netshidzati, 2013).

This was an approach that was to find favour with the decision makers. This policy proposal was approved by parliament, enabling the national transport commission to borrow funds for road construction, to be paid back through road user charge revenue. The first modern toll road was introduced in 1983, on the Tsitsikamma Road in the Cape Province (Krygsman, 2018).

The functions of constructing and managing national road infrastructure were later taken over by the South African Roads Board, which replaced the NTC in 1988 (Pienaar, 2011). This was also the year that the NRF stopped receiving ring-fenced funding from the fuel levy. This board operated until it was superseded by the South African National Roads Agency (Sanral), established in 1998, through the promulgation of the SANRAL Act (Act 7 of 1998). The National Road Fund then became the Sanral Portfolio Fund (Pienaar, 2011).

4.4 THE NATIONAL ROADS AGENCY: SANRAL

The move to form an independent entity that would develop and manage the national road network was motivated by prevailing government policy, which advocated for the financing of national roads to be increasingly dependent on tolling and direct user charges, rather than general taxation (DoT, 1991). The 1996 White Paper on Transport also described roads as part of the country's economic infrastructure, from which a financial return was achievable. It also recommended that direct user charges should be applied, as far as is possible, for road usage, terming it the user pay principle. The establishment of Sanral as an entity was informed by this specific policy context, which was also included in the 1996 White Paper on Transport Policy.

Nieuwoudt, (2009:18) outlines the three main reasons for Sanral's establishment as:

- To provide the national roads authority with more commercial and financial freedom;
- To improve access to capital markets, and
- For enhanced effectiveness, efficiency and faster decision making.

Government allocations to road infrastructure had been steadily decreasing over time due to the need to increase spending on social priorities. Sanral was tasked by government, to design, construct, operate and maintain South Africa's national road network. The entity was also required to generate revenue from this strategic asset base, in a way that supports socio-economic well-being and development (Gabriel, 2011).

Sanral's business operating model is divided into two distinct but complementary operations. The first is for Non-tolled roads, financed through a government grant that allows for construction and maintenance of this road network. Non-tolled roads make up the bulk of the road network managed by Sanral, at 81%. The tolled road network is financed through loans raised in the capital markets, through the entity's Domestic Medium Term Note (DMTN)

which enables Sanral to raise funds through bond issues in the capital markets (Nieuwoudt, 2009; Gabriel, 2011).

The Sanral operating model is heavily reliant on toll revenue collection because the national fiscus allocations are only able to maintain 40% of the non-toll road network and the Portfolio Fund has not received fuel levy allocations since 1988. Sanral uses the toll road revenue to not only maintain the tolled road network, but must also subsidise the maintenance of the 81% non-tolled road network (Pienaar, 2011). The user pay principle, as articulated in government policy, was essential to the operations of Sanral.

4.5 USER PAY PRINCIPLE

According to the theory of the user pay principle, users must carry the realistic and full costs of their use or consumption of a good or service. This is to ensure that available resources can be equitably allocated to all users. For roads, the elements of a charge should cover the construction and maintenance of infrastructure; the environmental costs of increased carbon emissions from vehicular traffic, congestion and accident costs. Various rebate systems can also be introduced for frequent users and public transport vehicles (Krygsman, 2018). This is in line with transport policy, which emphasizes the need to derive economic returns from road infrastructure by implementing the user pay principle to direct road users. National roads are provided at a high standard, as a higher order good that facilitates economic growth (Standish et al, 2010).

4.6 ROAD TOLLING

The introduction of alternative road funding models has primarily been motivated by the need to source alternative sources of funding, outside of government coffers. It also enables the involvement of the private sector in the funding, development and maintenance of infrastructure, through concession contracts (Brown, 2005). Additionally, with increased environmental and social awareness, tolling is also used as a mechanism to adequately price for other

externalities like environmental degradation and social problems that congestion and carbon emissions often cause (Gabriel, 2011).

Tolling, as a fiscal instrument, makes it possible for these costs to be recouped directly from the users of the road rather than from the general populace through general taxation. This becomes even more pertinent for heavy vehicle road users who have historically been subsidized by private car road users, because they have not been appropriately charged for the additional damage that they cause to the road network (DoT, 2010).

Tolling has remained fairly unpopular with voters and citizens in different countries, with many seeing it as an additional tax (Crafts, 2009). While there are concerns about the efficiency rate of the costs levied through tolling, it is becoming increasingly clear that public funds are not able to finance infrastructure needs. For government to increase infrastructure expenditure, taxes revenue must be higher. This is not always the best or most efficient solution (Gabriel, 2011).

Tolling can also bring about inefficiencies, due to the collection operational costs and the possibility of diversion of traffic to other local roads. This can lead to unintended social and economic costs elsewhere on the road network, meaning that the problems are not solved but displaced. In the South African context, the problems may be displaced to a local or provincial road network that is under capacitated for high traffic volumes and underfunded (Standish et al, 2010).

4.7 SA BUDGETING PROCESS

The funding mechanism through borrowing and tolling revenue was also bolstered by government's fiscal and budgeting policy, which advocates for a centralized revenue fund for all government revenue. This promotes fiscal integrity, accountability and transparency of the budget. The policy discourages the earmarking of funds, with a few exceptions like the Skills Levy and the Road Accident Fund (Ibid). The fuel levy, along with other transport related revenue

streams like vehicle license fees, permits, vehicle sales related VAT, import duties and carbon emissions are all payable into the central fund, from which social expenditure receives priority. Government's budget policy promotes the use of private finance for infrastructure projects, enabling the national fiscus to focus on social spending (Krygsman, 2018).

From this central revenue fund, budget allocations are informed by the country's economic and social priorities. SA's budget has a poverty alleviation focus that prioritizes social spending, due to the country's high levels of poverty and inequality. The user-pay principle for road infrastructure is a policy choice that government opts for, in the context of this reality (Standish et al, 2010).

The fuel levy has been a popular option as a possible source of funds for roads, because of the belief that it would be sufficient to cover all road infrastructure costs. In reality, the fuel levy contributes less than 10% to the national tax revenue, and road infrastructure budget allocations exceed the amount collected from the levy (Krygsman, 2018).

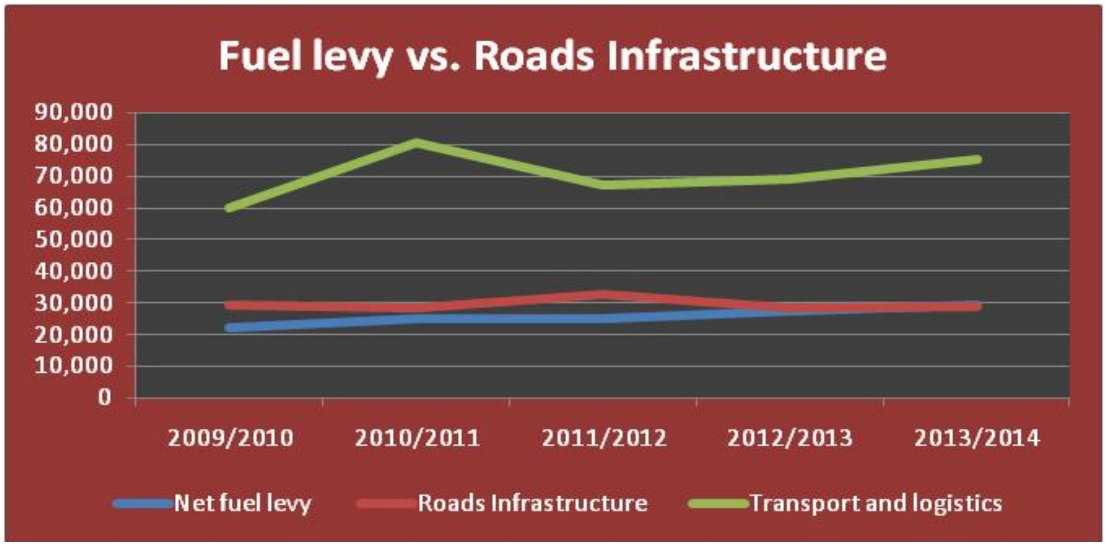


Figure 2: Total Transport and Road Infrastructure Requirements vs Net Fuel Levy (DoT, 2011)

The backlog on roads maintenance alone was estimated at R149 billion in 2018, and the national fiscus is unable to fund the high standards of service and specifications of the country's national roads (DoT, 2018). With the higher road service provided, road users experience increased fuel savings, from less congestion and better driving conditions. Modern cars also have better fuel efficiency and these factors lead to less income for the fuel levy, over time. This makes the fuel levy an unreliable source of funds for infrastructure (Krygsman, 2018). When the Gauteng province's road network started experiencing high levels of congestion due to a growing economy and a high rate of car use, it sought the assistance of Sanral to explore options on the much needed infrastructure investments on the Gauteng road network.

4.8 GAUTENG FREEWAY IMPROVEMENT PROJECT (GFIP)

The Gauteng province is the financial and industrial hub of the South African economy and contributes just over a third (33% in 2010) to the country's Gross Domestic Product (GDP) (Stats SA, 2020). It is also home to almost 20% of the South African population and 47% of the country's vehicle population (Gabriel, 2011). Between 2006 and 2011, Gauteng traffic volumes grew by an average of 6% per annum (Netshidzati, 2013). Gauteng freeways also form part of a strategic national roads network that supports a supply and logistics chain that serves the Sub-Saharan economies, as the map below illustrates (Gabriel, 2011).

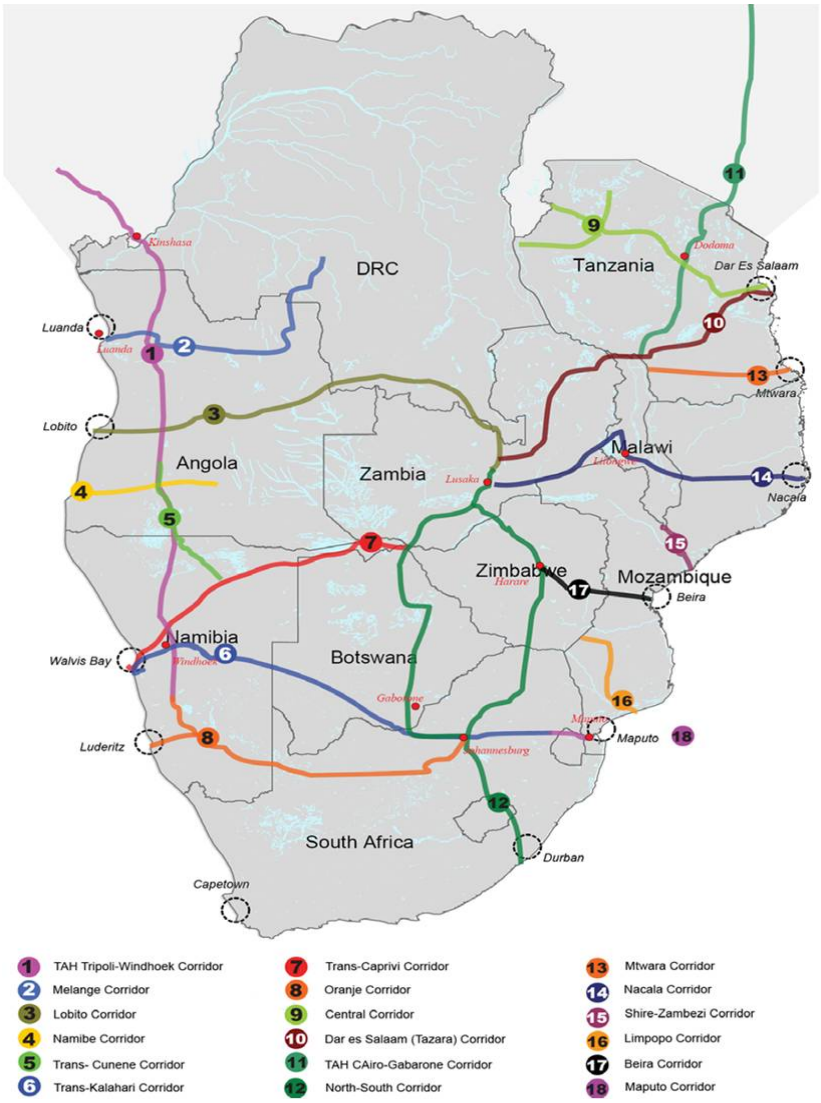


Figure 3: Southern African Road Corridors (Byiers and Vanheukelom, 2014)

When the province's road network was experiencing excessive traffic growth and congestion, the provincial government started exploring ways of increasing road capacity and expanding the network, to facilitate ease of movement and economic growth (Gabriel, 2011). The province first identified a toll road network project for the province in 1996, and followed this up with a 1998 Gauteng Toll Road Strategy. This strategy could not be taken further because the province did not have the legislative competence to declare and operate toll roads. While province had the option to introduce provincial legislation for this purpose, it opted to approach national government to assist with the implementation of the tolling strategy (Ndebele, 2011).

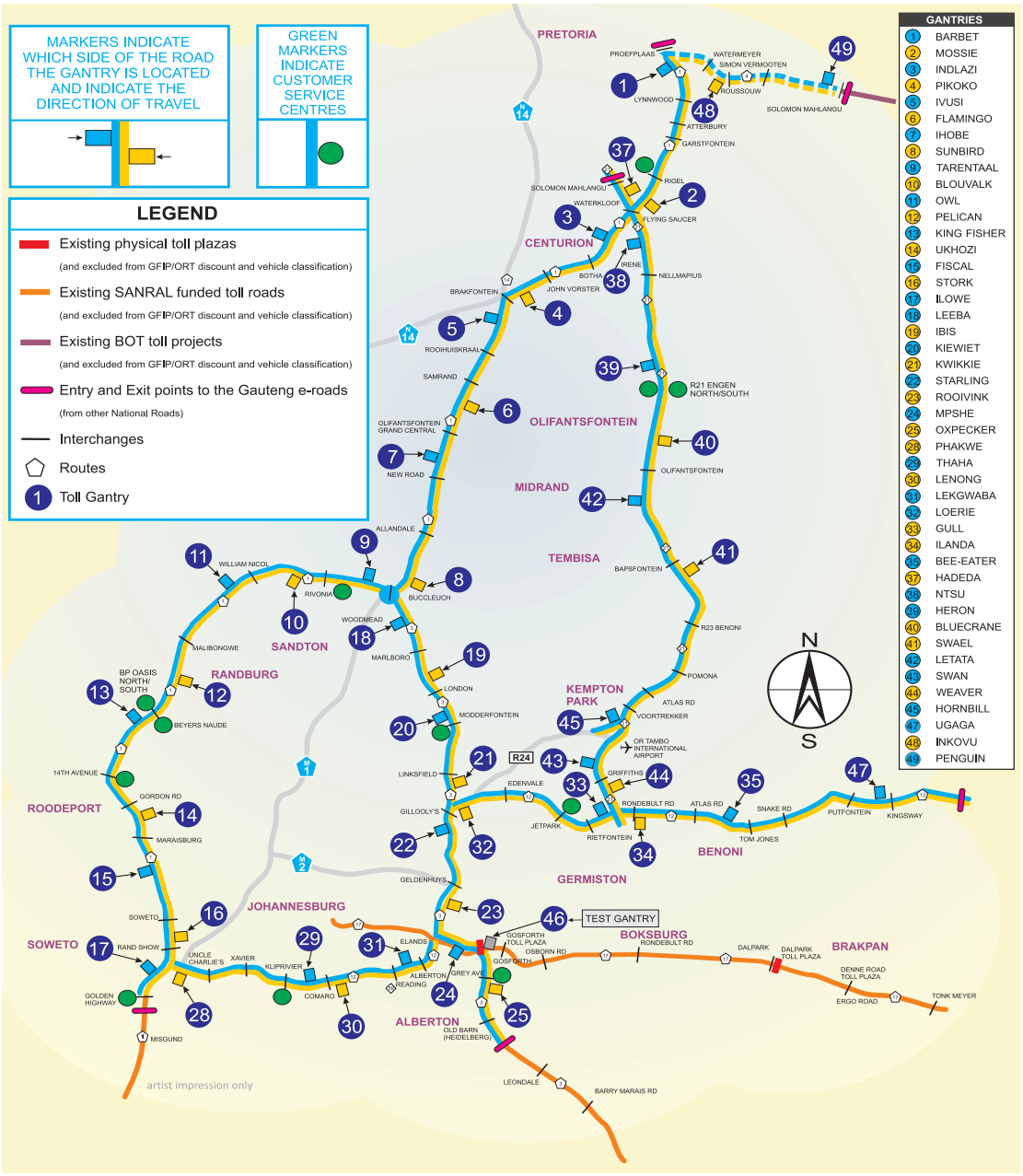


Figure 4: Gauteng Freeway Improvement Scheme, (Sanral, 2020)

A joint working group, chaired by the National Department of Transport, with Sanral, Gauteng Province, and the City of Johannesburg was formed in 2005. Sanral was then appointed, through Cabinet, as a project manager and lead implementation agent for the toll road project. The other affected municipalities, Tshwane and Ekurhuleni also joined the working group, as the proposed network was being extended. The final network that was approved is depicted in Figure 4 above. Various project reports were generated by this committee, and

were presented to political oversight committees in the province and the municipalities (Ndebele, 2011).

The Sanral Act, Section 27, outlines the process that must be followed for the declaration of a toll road, which must include a public notice, and an opportunity for the public to make comments. When Sanral commenced with the toll road declaration process, notifications were sent to the province, the three affected municipalities, and to the surrounding local municipalities. The government gazette on the intention to toll certain sections of the Gauteng freeways was published in October 2007 and the public was asked to make written representation to Sanral, within a period of 30 days (Sanral, 2011; OUTA, 2019).

Since the GFIP was meant to go live in 2011, it has met with a high level of public hostility, and court challenges. There have since been no less than 3 post project completion public consultation exercises, which have been constrained by the reality that the money was borrowed, agreements signed and the construction (Phase 1) was already complete. The tariffs have been adjusted downwards, a monthly cap payment was introduced, but none of these concessions from government seem to have swayed public opinion. The payment compliance rate for the system hovers at 20% and Sanral has had to receive additional financial allocations from government, to make up the financial shortfall (OUTA, 2019).

This research is focused on the public participation process followed prior to implementation, and the findings chapter goes into further detail on this. It is however, important to highlight the main points of opposition and concern with GFIP that were voiced by various organizations and the public after project completion.

The first indications of unhappiness with the GFIP were noted from early 2010, when South Africa was preparing to host the Soccer World Cup. The road upgrades were almost complete and the electronic gantries had just gone up, and there were some questions from the public about what they were (ibid). A growing chorus of discontent from labour, business and the public led to the

government establishing the GFIP Steering Committee in 2011, whose task would be to go through a second public participation process for the GFIP. Figure 5 below captures the main points of objection to GFIP.



Figure 5: A summary of objections to GFIP raised in 2011 (compiled by author, from DoT, 2011).

This 2011 consultation process and inputs summarized above resulted in a tariff reduction for GFIP, and a full exemption for public transport vehicles.

Government conceded that the poor and working class commuters needed to be assisted through the rebates and also undertook to share the transport models used to determine the tariff. The user pay policy was set to remain, with no fuel levy allocations for the project approved (DoT, 2011). In 2012, OUTA was formed, primarily by SAVRALA and the Automobile Association, and they launched a court action against the project, challenging the validity of the 2007 public participation process, the rationality of the Minister's approval as well as the government's decision to not use the fuel levy as a funding mechanism. This legal challenge ended in 2013, with an OUTA loss at the Supreme Court of Appeal (OUTA vs Sanral, 2013; OUTA, 2019). A timeline of the court cases is provided in Chapter 6.

It is of interest to observe how the GFIP implementation elicited a very different public response from a similar urban tolling project, the Bakwena Toll Route concession, which has been operational since 2001, in parts of the N1 starting from Pretoria North, to the Warmbaths N1 interchange. While this operation is not an open toll system, it has two physical ramps in Pretoria North, the Stormvoël and Zambezi ramps that have a direct impact on the northern suburbs of Pretoria. They have been paying a toll fee to access the N1 freeway, and this includes local, urban trips (Bakwena Tolls, 2020). These commuters have been using the electronic tag, same as the GFIP tag, as one of the remote payment options on that route since 2001(Sanral, 2013). This has been a successful implementation of urban direct user charges in Gauteng, albeit at a much smaller scale, in stark contrast to the experience with GFIP.

This urban tolling system was implemented through a similar public consultation process as GFIP but is still making use of physical toll ramps, and was also implemented on a much smaller scale, affecting a few residential and business areas in Pretoria North. The GFIP scale is much bigger, impacting on movements on the majority of the Gauteng national road network, and was the first to be fully electronic.

4.9 CONCLUSION

The context and overview that was outlined in this chapter provides the policy background of the project, staring with a brief history of tolling in South Africa, the transport and fiscal policies that govern the implementation of road pricing strategies. It provides the history of the government entity Sanral, its mandate and how it came to be the lead implementation agent for GFIP, which was originally a Gauteng provincial project. This context provides a useful grounding for the presentation and analysis of data.

CHAPTER FIVE: FINDINGS ON GAUTENG FREEWAY IMPROVEMENT PROJECT: PUBLIC PARTICIPATION PROCESS FOLLOWED

5.1 INTRODUCTION

This chapter sets out the public participation process that was implemented for the GFIP. It commences with the process that gave effect to the adoption of the user pay principle as the policy of government, and leads to the legislated public participation process that was followed by Sanral prior to it declaring the GFIP network as toll roads. The main focus is on the process that led to the development of GFIP as a government project, followed by an assessment of the public participation journey to the point of project launch. The approach covers the role of Sanral, role of Cabinet, the toll declaration process, ministerial approval and how these steps were influenced by public participation.

5.2 PROBLEM STATEMENT AND RESEARCH OBJECTIVE

The South African system of democracy is underpinned by a progressive constitution and it advocates for the involvement and participation of stakeholders and citizens in policy and project implementation (Booysen, 2019). The implementation of the GFIP in Gauteng, and the subsequent public resistance to the project may give an impression that there was a lack of the required citizen participation for this significant national project. As noted in the earlier chapters, this research is exploring the participation process that was followed prior to the implementation of the GFIP project.

The objective of this exercise is to assess why the GFIP public participation process was not able to anticipate the high levels of opposition to urban tolling that the project experienced when it was implemented. The probe is channeled through a number of identified sub-themes, which frame the investigation in a way that will adequately respond to the research question.

5.3 MAIN FINDINGS

The findings are presented and categorized within the sub-themes of, the Role of Sanral, the Role of Government, GFIP Conceptualization and Development, the Cabinet approval process, the Toll Declaration Consultation process and Ministerial Approval.

5.3.1 Role of Sanral

As an agency that was created by government, the main mandate of Sanral is to develop, finance and manage national road infrastructure, on behalf of government. This mandate is derived from national government policy, which was developed and subsequently approved by the national department of transport.

Sanral is a creation of statute, section 2 of the South African National Road Agency Act of 1998. Section 25 of the Act describes the agency's functions as follows:

> The agency (SANRAL), **within the framework of government policy**, is responsible for and is hereby given power to perform all strategic planning with regard to the South African national roads system as well as the planning, design, construction, operation, management, control, maintenance and rehabilitation of national roads for the Republic and it is responsible for the financing of all those functions in accordance with its business and financial plan, so as to **ensure that Government's goals and policy objectives concerning national roads are achieved**… [own emphasis] (Sanral Act, 1998:1).

This excerpt from the Sanral Act makes the important point about the Agency's mandate, that it is informed by the need to work within the parameters of government policies. Sanral therefore functions with direct and constant executive oversight and is not independently managed by unelected technocrats, as opined by Mawela et al, 2014. Government adopted a transport policy position that advocates for the creation of a Road Agency that would manage the national road network and explore and implement "innovative ways of securing finance for the development of road infrastructure"(DoT, 1996: 76).

5.3.2 Role of Government

The existence of Sanral as an agency was conceptualized in government policy. The government adopted policy position of 'User pays' has its genesis from the 1996 White Paper on Transport Policy, which affirmed the principle, particularly for urban roads and also stated that the national fiscus could have a rural bias on the funding of infrastructure. This was on the basis that urban road users are, where economically viable, in a better position to pay for the usage of modern infrastructure than people living in the rural areas, whose infrastructure needs should be prioritized by the fiscus. The 1996 policy said the following on road financing:

> The primary road network should preferably be financed through a dedicated levy on fuel and toll charges. Innovative ways of securing finance for the development of road infrastructure will be explored. These include Build-Operate-Transfer (BOT) or Fund-Rehabilitate-Operate-Maintain (FROM) contracts which enable Government to obtain financing from private sources rather than spending taxpayers' money (DoT, 1996:76)

From the excerpt above, the government demonstrates that while a dedicated fuel levy is an option, there is a marked preference for what it calls innovative finance schemes, using private funding, rather than the taxpayer-funded fiscus.
This White Paper was approved in 1996, and the Minister's foreword in the document states that the development of the policy was characterized by extensive consultation, the publishing of a draft (Green Paper) for public comment, before the approval of the final policy in 1996. The list of individuals and organizations that commented is also included as an Annexure in the policy document and shows that there were over 120 participants in working groups, plenaries and workshops for the development of the policy, from the public and private sector.

GFIP was a direct consequence of the government's policy approach of 'User Pay' that was adopted by the Transport Department, read together with the National Treasury's domestic budget policy that discourages the earmarking of funds for

specific sectors, but rather opts for a centralized revenue fund for all government revenue, meaning no ring fencing or setting aside of funding reserves for special functions. Inputs from the National Treasury on road infrastructure financing can be summarized as follows:

- The national fiscus cannot afford the required service level that the N1 upgrades required, and could only fund a similar standard to that of the R101(Old Johannesburg Road) and R55 (Old Pretoria Road) between Johannesburg and Pretoria. The user pay principle would allow for a higher standard of service such as the ones experienced on the N1 to Musina and the N3 to Durban. User pay charging is also equitable because it allows for those who actually enjoy the benefit of a higher order road, to actually pay for it, and is reflective of the value that accrues to that individual user. Those that do not receive this benefit are therefore not required to pay for it.
- The ring fencing of the Fuel Levy for transport infrastructure is not supported because it is not in line with their budget policy, which does not support the ring fencing of tax revenue. The fuel levy revenue is expected to accrue as part of all other tax revenue, in the national revenue fund, and must fund government expenditure as a whole. A second aspect to this is that the revenue generated from the fuel fund is insufficient to cover all road infrastructure and maintenance needs (not just for GFIP). The National Treasury illustrated to the Cabinet that for the fuel levy to fund all road infrastructure and maintenance needs, including the GFIP, it would have to increase by about R2,15 per litre, per annum. This was deemed inequitable and unsustainable (DoT, 2011).

Whilst the transport policy was crafted in more accommodative language, for the exploration of different options, the finance department had much more prescriptive views on how national roads, classified as an economic asset, should be funded.

The Constitutional Court, in its judgment on the interim interdict against GFIP stated that:

> The main thrust of the respondents' review is the alleged unreasonableness of the decision to proclaim the toll roads…..The premise of their unreasonableness argument is that funding by way of tolling is unreasonable because there are better funding alternatives available, particularly fuel levies. But that premise is fatally flawed. The South African National Roads Agency Limited has to make its decision within the framework of government policy. That policy excludes funding alternatives other than tolling. It is unchallenged on review. (Constitutional Court, 2011:44)

This judgment places the debate back on the policy formulation axis, arguing that the better option would have been to either influence or challenge the policy of government on the user pays principle. This would be better than to seek relief on a policy matter, by challenging the administrative process of declaring toll roads. The question does remain however, that if the policy had been more specific about tolling being the only option that would ultimately be available for funding primary infrastructure, would the consultative process that led to its adoption turned out differently, or would it have been taken on review? It is difficult to say with certainty what would have happened if those who participated in the drafting of the policy had known that implementation would take on a narrow focus on direct user charges.

5.3.3 GFIP Conceptualization and Development

This project was initially conceptualized as a Gauteng provincial initiative, when the province first identified a provincial toll road network in 1996, followed by the 1998 Gauteng Toll Road Strategy. The Gauteng province had identified a growing challenge of road congestion that was projected to have a negative impact on the province's economy and social well-being. A cost benefit study done by the University of Pretoria with ARUP had motivated for the need to intervene, based on the finding that traffic volumes were increasing by up to 7% per annum, with the resultant congestion resulting in wasted productive time and increased emissions. A Social Impact Study done by the University of

Johannesburg highlighted the negative impact of increased commuting times on family life. The studies were indicating that the benefit of upgraded and tolled infrastructure would justify and even outweigh the cost (Sanral, 2011).

Sanral was brought into this existing process, through the Department of Transport, as an implementing agent for this provincial project, due to the fact that it was already legally empowered to implement toll road projects. Sanral already had the track record of successfully running toll road schemes (Respondent B Interview, 2020).

As the project was taking shape, Sanral was formally appointed, through a Cabinet resolution, as the lead implementation agent for the project. The project had been officially transferred to the national government, and permission needed to be sought from Cabinet to accept the responsibility, for both the department and the agency that it exercises political oversight for.

The Minister of Transport then formed an Inter-governmental working group, which included the Gauteng province as well as the affected municipalities of Johannesburg, Tshwane and Ekurhuleni. Respondent A states that there was an expectation that the municipalities would participate in the conceptualization and formulation of the project and also keep their constituencies informed and apprised of developments with respect to the project. Both of these aspects were part of the consultation process in the early stages of the project (Respondent A Interview, 2020).

The committee's work led to the drafting of a 2006 report, the Gauteng Network Integration Process. This report indicated support for the project, only on the basis of a user pay principle, as a toll scheme. All the major milestone, of the GFIP development process, including the estimated tariff, were reported to the executive structures at National, Provincial and Local Municipalities, and approval was eventually sought and granted by Cabinet, a national executive structure (DoT, 2011).

The 2006 Steering Committee report detailed above was presented to political decision makers in the Gauteng province and in the three municipalities. The project, a status update and plans, was also presented to a Transport Indaba, a public meeting to discuss provincial transport matters, organised by the then Transport MEC, Ignatius Jacobs in May 2006. The Gauteng Legislature Transport Portfolio Committee received a briefing on the project and progress made in August 2007. The portfolio committees of the Municipalities also received similar briefings (DoT, 2011; Respondent A Interview, 2020).

5.3.4 The Cabinet Process

A cabinet memorandum is prepared under fairly stringent guidelines and has a template that has to be strictly followed, in order to improve the chances of the submission being successfully presented in a Cabinet meeting. It goes through a number of officials as well as Cabinet committees that check for guideline adherence, in order to maximize the productivity of cabinet meetings.

The presidency also developed a guideline document that prescribes the type of information that must be included in each section. The guideline identifies two particularly contentious sections, which result in the highest number of memorandums being referred back; these are 'Financial Implications' as well as 'Departments and Parties Consulted, Responses and Comments'. The guideline document states that "the Cabinet expects the writer of a Cabinet Memorandum, as a rule, to liaise with all interested parties before submitting the matter to Cabinet" (Presidency, 2015:8). The author is also expected to advise Cabinet if there are any disagreements on the recommendations that have been made.

The submission seeking approval for the GFIP process was submitted in July 2007. The cabinet submission process is a government process, which must be led by a government department, and the political head of the said department makes the presentation in Cabinet. The department of Transport drafted the submission, with the assistance of Sanral and the memorandum was submitted for the consideration and approval of Cabinet, with a number of implementation and funding options that Cabinet would choose from. This was accompanied by a

series of documents, including the various technical documents, backed by the independent studies covered in the section on project conceptualization above. These technical annexures motivated for the electronic tolling option as the most viable way of bringing the project to life (Sanral, 2011).

After receiving Cabinet approval, the Minister of Transport announced the launch of the GFIP, at a public event, with the invited media present, in October 2007. After the Minister's keynote address, Sanral made a presentation on the GFIP project details, including the estimated tariff of between 30-50 cents per kilometer. The presentation was also made available to all present and was subsequently published widely in the print media (ibid).

Cabinet approval for GFIP meant that Sanral could commence with the process of raising funds and simultaneously embark on the Toll Declaration process, which requires public consultation, as envisaged in the Sanral Act. In addition to the legislated process of toll declaration, Sanral was also engaging identified stakeholders such as freight haulers, the vehicle rental association, SAVRALA and others. The purpose was to provide briefings on the rationale of the project and the status of implementation. These meetings of discussion and engagement were not to seek approval for, or to consult on the implementation options for the project as the executive had already made that decision (Respondent A interview, 2020). Cabinet had already pronounced on this matter, as part of the executive's duties and functions of determining implementing public policy and to determine how to finance such public projects (ConCourt, 2011).

Sanral had also developed a GFIP Marketing and Communications Strategy, which was meant to guide ongoing public engagement on the project rationale, its implications for mobility and the project milestones as it was being implemented. Respondent A described the rationale of the strategy as
"Firstly starting with introducing who Sanral is, the need and rationale for roads, tolling and what it entails, the User Pays principle, and basically taking the public on a journey of why we are where are now, with problems with regards to congestion on the network etc, etc" (Respondent A, 2020).

The intention was to start and sustain an ongoing public information campaign on the project, following a strategy of segmenting the market, identifying the different role players. This exercise was intended as a marketing and information sharing campaign on the work that Sanral would be busy with, which would introduce some disruption, but to inform on the benefits of the upgrades, and also explain how electronic tolling would work. This would be in addition and separate from toll declaration through the Sanral Act. The information drive would provide regular updates and briefings on the nature of the project as a whole, on an ongoing basis.

As the plan was being rolled out, there were concerns about the cost from Government, particularly from financial oversight, and it was eventually put on the back burner, in favour of utilizing the legislated processes of consultation, as well as the constituency consultation processes of the Gauteng legislature and municipal councils, who were fully on board through the project development and execution phase (Respondent A interview, 2020). This is in line with local government policy and legislation that encourages a functional municipal ward committee system that strengthens feedback and accountability not only for municipal matters, but also for provincial and national plans (Khanyile, 2015).

5.3.5 Toll Declaration Consultation Process

The process for Sanral to declare a toll road is in accordance with Section 27 of the Sanral Act, starting with public notification on the intention to toll. This is concluded with a gazette notice that declares a particular road as a toll road, after the Minister's approval.

The Minister of Transport is the approving authority for toll road declaration, but has to be informed and guided by certain actions that Sanral is compelled to follow, prior to making a decision. Sanral must notify the public through a Gazette notice of its intention to toll a specific road, inviting comments and

written representation on, or before a specified date. They must also notify the Premier of the affected province and the Mayors of the affected municipalities.

This was done in accordance with the requirements of the Sanral Act. Section 27 (4) 0f the Act outlines the process as follows:

"The Minister will not give approval for the declaration of a toll road under 35 subsection (1)*(a)*, unless—

1. *(a)* the Agency, in the prescribed manner, has given notice, generally, of the proposed declaration, and in the notice—

1.1. (i) has given an indication of the approximate position of the toll plaza contemplated for the proposed toll road;

1.2. (ii) has invited interested persons to comment and make representations on the proposed declaration and the position of the toll plaza, and has directed them to furnish their written comments and representations to the Agency not later than the date mentioned in the notice. However, a period of at least 30 days must be allowed for that purpose;

2. *(b)* the Agency in writing—

2.1. (i) has requested the Premier in whose province the road proposed as a toll road is situated, to comment on the proposed declaration and any other matter with regard to the toll road (and particularly, as to the position of the toll plaza) within a specified period (which may not be 50 shorter than 60 days); and

2.2. (ii) has given every municipality in whose area of jurisdiction that road is situated the same opportunity to so comment;

3. *(c)* the Agency, in applying for the Minister's approval for the declaration, has forwarded its proposals in that regard to the Minister together with a report on the comments and representations that have been received (if any). In that report the Agency must indicate the extent to which any of the matters raised in those comments and representations have been accommodated in those proposals; and

(d) the Minister is satisfied that the Agency has considered those comments and representations.

Where the Agency has failed to comply with paragraph *(a)*, *(b)* or *(c)*, or if the Minister is not satisfied as required by paragraph *(d)*, the Minister must refer the Agency's application and proposals back to it and order its proper compliance with the relevant paragraph or (as the case may be) its proper consideration of the comments and representations, before the application and the Agency's proposals will be considered for approval"

Section 27, as shown above, outlines a clear and specific process for any member of the public or any organised group that is an interested party to make a

comment on the physical and locational aspects of the proposed toll routes and the proposed toll gantries. The operational and financial aspects of the proposed toll are not part of this determination, or request for comment.

The intention to toll was published in Government Gazette No:30372, on 12 October 2007. The publication was divided into 6 different sections of the freeways, resulting in six different notices, which was a reflection of the way Sanral had packaged the different road sections, for the purpose of awarding construction contracts and project management. The table below summarizes the details of each notice published.

ROAD SECTION	ROUTE DESCRIPTION	DATE	NOTICE NUMBER	GOVERNMENT GAZETTE
N1 (Section 20)	Armadale to Midrand	12 October 2007	962	30372
N1 (Section 21)	Midrand to Proefplaas	12 October 2007	963	30372
N4 (Section 1)	Koedespoort and Hans Strydom Drive	12 October 2007	964	30372
N3 (Section 12)	Old Barn Interchange and Buccleuch	12 October 2007	965	30372
N12 (Section 19)	Gilloolys Interchange and Gauteng/Mpumalanga Border	12 October 2007	966	30372
N12 (Section 18)	Diepkloof and Elands Interchange	12 October 2007	967	30372
R21 (Sections 1 and 2)	Albertina Sisulu Highway	18 April 2007	437	30983

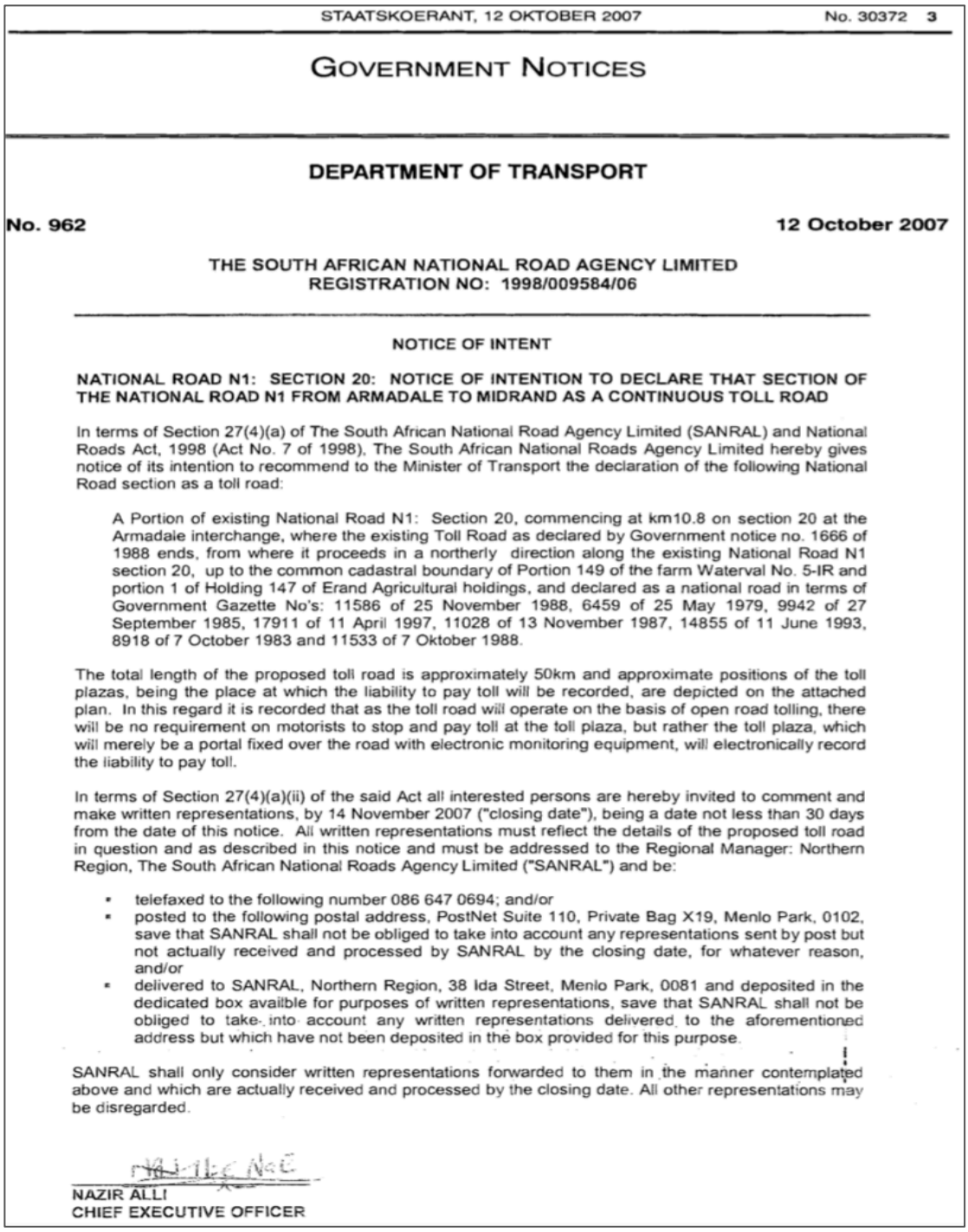
Table 4: Toll Declaration Notices published by Sanral (Author's compilation, from GG publications on www.gov.za, 2020)

The wording of the government gazette notice was in plain English, with limited technical jargon, constructed in a way that conveys the intention to introduce tolling, and also explaining electronic tolling. This is an excerpt of the title from the gazette No. 30372, notice 966:

NATIONAL ROAD N12: SECTION 19: NOTICE OF INTENTION TO DECLARE THAT SECTION OF THE NATIONAL ROAD N12 FROM GILLOOLY'S INTERCHANGE TO THE GAUTENG/MPUMALANGA PROVINCIAL BORDER AS A CONTINUOUS TOLL ROAD

The above title conveys the intention to toll the road in a fairly unambiguous manner, although the description of the road itself is potentially technical and could lead to some confusion on actual location.

The excerpt below is taken from the first of the series of six Government Gazette No 30372, notice 962 and provides the technical description of the road described below as Section 20 of the National Road N1.



STAATSKOERANT, 12 OKTOBER 2007 No. 30372 3

GOVERNMENT NOTICES

DEPARTMENT OF TRANSPORT

No. 962 12 October 2007

THE SOUTH AFRICAN NATIONAL ROAD AGENCY LIMITED
REGISTRATION NO: 1998/009584/06

NOTICE OF INTENT

NATIONAL ROAD N1: SECTION 20: NOTICE OF INTENTION TO DECLARE THAT SECTION OF THE NATIONAL ROAD N1 FROM ARMADALE TO MIDRAND AS A CONTINUOUS TOLL ROAD

In terms of Section 27(4)(a) of The South African National Road Agency Limited (SANRAL) and National Roads Act, 1998 (Act No. 7 of 1998), The South African National Roads Agency Limited hereby gives notice of its intention to recommend to the Minister of Transport the declaration of the following National Road section as a toll road:

A Portion of existing National Road N1: Section 20, commencing at km10.8 on section 20 at the Armadale interchange, where the existing Toll Road as declared by Government notice no. 1666 of 1988 ends, from where it proceeds in a northerly direction along the existing National Road N1 section 20, up to the common cadastral boundary of Portion 149 of the farm Waterval No. 5-IR and portion 1 of Holding 147 of Erand Agricultural holdings, and declared as a national road in terms of Government Gazette No's: 11586 of 25 November 1988, 6459 of 25 May 1979, 9942 of 27 September 1985, 17911 of 11 April 1997, 11028 of 13 November 1987, 14855 of 11 June 1993, 8918 of 7 October 1983 and 11533 of 7 Oktober 1988.

The total length of the proposed toll road is approximately 50km and approximate positions of the toll plazas, being the place at which the liability to pay toll will be recorded, are depicted on the attached plan. In this regard it is recorded that as the toll road will operate on the basis of open road tolling, there will be no requirement on motorists to stop and pay toll at the toll plaza, but rather the toll plaza, which will merely be a portal fixed over the road with electronic monitoring equipment, will electronically record the liability to pay toll.

In terms of Section 27(4)(a)(ii) of the said Act all interested persons are hereby invited to comment and make written representations, by 14 November 2007 ("closing date"), being a date not less than 30 days from the date of this notice. All written representations must reflect the details of the proposed toll road in question and as described in this notice and must be addressed to the Regional Manager: Northern Region, The South African National Roads Agency Limited ("SANRAL") and be:

- telefaxed to the following number 086 647 0694; and/or
- posted to the following postal address, PostNet Suite 110, Private Bag X19, Menlo Park, 0102, save that SANRAL shall not be obliged to take into account any representations sent by post but not actually received and processed by SANRAL by the closing date, for whatever reason, and/or
- delivered to SANRAL, Northern Region, 38 Ida Street, Menlo Park, 0081 and deposited in the dedicated box availble for purposes of written representations, save that SANRAL shall not be obliged to take into account any written representations delivered to the aforementioned address but which have not been deposited in the box provided for this purpose.

SANRAL shall only consider written representations forwarded to them in the manner contemplated above and which are actually received and processed by the closing date. All other representations may be disregarded.

NAZIR ALLI
CHIEF EXECUTIVE OFFICER

Figure 6: An excerpt (Government Gazette 30372, 2007)

The published notice describes the specific section of the road where electronic tolling is being introduced. There is no indication of the full extent of the GFIP, no overall project description, no linkage with the other five publications under the same gazette number. This notice also does not include the indicative tariffs that Sanral had already developed, and presented to Cabinet. Notices were also published in the print media and were carried by 6 newspapers that had the

highest circulation figures at the time. The details of the print media advertisements are detailed in the table below.

NEWSPAPER	PUBLICATION DETAILS
THE STAR	12 0CTOBER 2007 Pages 6-7
PRETORIA NEWS	12 OCTOBER 2007 Pages 7-8
SOWETAN	12 OCTOBER 2007 Pages 16-17
BEELD	12 OCTOBER 2007 Pages 4-5
MAIL AND GUARDIAN	13 OCTOBER 2007 Pages 16-17
SUNDAY TIMES	14 OCTOBER 2007 Pages 8-9

Table 5: Details of GFIP notices published in newspapers (Author's own, based on information from DoT, 2011)

The final GFIP tariffs were approved and published at a much later date, in 2011 prior to the launch of the completed Phase 1, as per the requirements of the Sanral Act. However, in this research, Respondent A from Sanral noted that the indicative tariffs were communicated in the various consultative sessions that Sanral had with different stakeholders, as part of the agency's information sharing drive on the project.

5.3.6 Notification of Affected Authorities

As stipulated by Section 27(4) of the Sanral Act, the agency sent letters of notification to the following authorities:

o Office of the Premier: Gauteng Province
o Gauteng Department of Transport
o Executive Mayors and Managers of affected municipalities;
  o City of Johannesburg
  o City of Tshwane
  o Ekurhuleni Metro
  o Metsweding Local Municipality
  o Nokeng Tsa Taemane Local Municipality
  o Kungwini Local Municipality
	Additional municipalities that were indirectly affected were also sent notifications and requests to comment. These are:
	o West Rand District Municipality
	o Westonaria District Municipality
	o Mogale City Local Municipality
	o Midvaal Local Municipality
	o Emfuleni Local Municipality
	o Randfontein Local Municipality
	o Sedibeng Local Municipality
	o Lesedi Local Municipality

Table 6: Notification of Authorities (DoT, 2011)

5.3.7 Comments Received

The notice also gave information of the closing date for comments, and outlined the specific process that was to be followed, in order to submit comments, emphasizing that submissions made outside of this prescribed process may not be considered. The closing date of 14 November 2007 was for the general public, but public authorities were granted an extra month, as the law stipulates, to 14 December 2007. Sanral received a total of 30 responses from the 2007 process, which included a petition of 53 signatures opposing the toll declaration (DoT, 2011).

The last section of road to be included in the GFIP network was a section of the R21, which was transferred to Sanral by the Gauteng province, to enable Sanral to upgrade it as part of GFIP network. The same process of a notice of intent in the government gazette and in newspapers was also followed for this section. This separate notice, published in 2008 garnered 2 written responses from the public (ibid).

The representations made by the public, which were individually responded to by Sanral, mostly covered the following key issues:

- Tolling will be of no benefit and suggesting the alternative of public transport is of no consequence because it is unsuitable and not a viable alternative for many
- Tolling of existing non-tolled National road is unacceptable (no reasons given)
- Lack of information and concerns on Toll Tariffs and Discounts
- Concerns on the method of payment
- Tolling will increase diversion to an already congested secondary network , aggravate traffic congestion
- No benefit to economy
- Cost of consumer goods will increase

(Sanral, 2011)

There was also a comment received from the Southern African Bus Operators Association (SABOA), which was not received in the stipulated manner that was published in the Notice of Intent. The comment was in support of the road upgrades but expressed a concern on the impact of tolling on both commuter and long distance buses. They proposed an exemption on toll fees for public transport services, which was not acceded to, or considered at the time, due to the potential impact it would have on other toll operations across the country (DoT, 2011). This was later implemented after the 2011 consultation process, only for local public transport operators.

Sanral officials processed and categorized the responses received, aggregating the issues into the ones reflected above. They provided individual responses to all the people and organizations that commented, and then provided the compiled list of concerns and responses to the Minister, for him to consider all inputs as part of the toll declaration process. Sanral was required to demonstrate to the Minister that all views had been considered and responded to (Sanral, 2011). The procedure is for the summary list, as reflected above, to be included in the main memorandum to the Minister, and the actual comments to

be included as annexures of the submission, should the Minister want to refer to them (Respondent B interview, 2020).

The comments received were an indicator of the discomfort that the public seemed to have with urban tolling, questioning the rationale of tolling existing roads, and the potential impact it would have on the economy and to commuters. Sanral responded to these by restating government policy on tolling, and the fact that they are implementers of the policy. They also advised those concerned that government had committed to developing public transport alternatives in the form of the Gautrain and Bus Rapid Transit (BRT) services in all three metropolitan municipalities. This was presented as a solution that government was working on, but it had no direct bearing on the GFIP implementation timeline (DoT, 2011).

5.3.8 Ministerial Approval

On 15 January 2008, Sanral applied to the Minister of Transport to approve the declaration of the different sections of the GFIP network as toll roads. Section 27 (4) of the Sanral Act requires that the Minister must receive a report on the comments received and how Sanral has addressed them. A report, prepared by Sanral as outlined in the section before, was duly submitted to the Minister, which was a summary of the issues raised in the presentations made to Sanral, and also the responses that had been provided by Sanral to the respondents. (Sanral, 2011). The Minister considered these, and declared that he was satisfied that Sanral had adequately dealt with the concerns raised. Approval was granted on 11 February 2008, and Sanral proceeded to declare the roads as toll roads by way of a Government Gazette notice on 28 March 2008. The same process was repeated for the R21 section that was advertised in 2008, and was later declared as a toll road through a gazette notice of 28 July 2008 (Respondent A Interview, 2020).

Respondent B (DoT) outlined an additional process that the department had, to extend the GFIP consultation process. The department created a link for

comments on the DoT website, where stakeholders and the public could submit comments, a process which was open at the same time as the gazetted notices. It was the role of the Roads Division in the department to collate the inputs, to cluster them according to the different aspects of GFIP raised, and to prepare a submission to the Minister, advising him of the tone and content of such inputs. The purpose was to advise the Minister on public sentiment, in order to assist the Minister to consider the request to approve the Intent to Toll. This additional step implemented by the Department of Transport was at the same time period as that of the legislated Intention to Toll process, meaning that comments were to be received within the same 30-day period, by 14 November 2007 (Respondent B Interview, 2020).

5.4 IN SUMMARY

The diagram below provides a timeline, summarizing the GFIP development process, from policy formulation, development and implementation. It shows the various stages and types of consultation that were applicable at the different phases of the project.

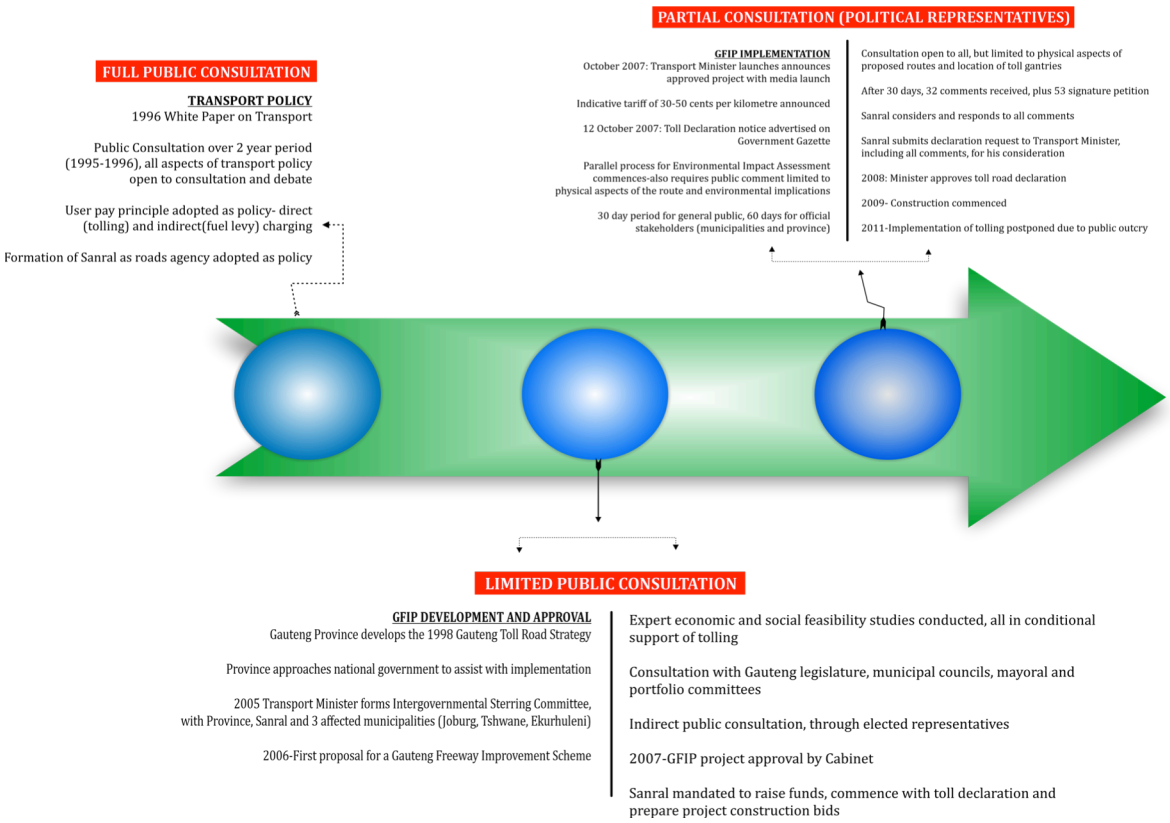


Figure 7: A diagrammatic timeline of GFIP- from policy to implementation (Own formulation, based on research material, 2020).

5.5 CONCLUSION

These findings illustrate the intricate and often protracted process through which government policy is formulated, approved and eventually implemented. The policy development process is generally a function of the national government, and while municipalities and any other stakeholders are often called on to participate and comment, the process is often far removed from communities or ordinary members of the public, due to its indirect and technical

manner. The process that led to the establishment of Sanral as an agency, the approval of GFIP as a government project, and the ultimate declaration of parts of the Gauteng freeway network as toll roads are all linked to a process that started in 1996, with the approval of the Transport Policy. The role of Sanral was the implementation of government policy, by following the prescripts of the Sanral Act. The next chapter focuses on the analysis and interpretation of the data that has been presented.

CHAPTER SIX: ANALYSIS OF FINDINGS

6.1 INTRODUCTION

This chapter provides an analysis of the findings that have been presented, providing an interpretation that is linked to concepts of literature and theory that were initially identified in the literature review. The analysis starts with an explanatory narrative of government functions, explaining the different roles and responsibilities between government, an agency like Sanral, the policy framework as well as administrative system that brings it all together. The description and analysis is then presented in a way that provides responses to the original research question.

6.2 BACKGROUND ON ROLES AND RESPONSIBILITIES: TRANSPORT SECTOR

The Constitution of SA recognizes transport as a concurrent function, allocated to the three spheres of government. The act of making public policy for the transport sector can be carried out at different levels of government, but the practice of the post 1994 dispensation was that national government took on the role of overarching policy and strategy formulation, and providing the guidance and framework for provinces and municipalities to work on more detailed and local plans (DoT, 2017).

The post 1994 democratic government was guided by the principles of the Reconstruction and Development Programme (RDP) of 1994, with a focus on meeting social needs and growing the economy. The 1996 Growth, Employment and Redistribution (GEAR) then introduced more detail on an economic growth acceleration plan. State assets were restructured in a way that would optimize resources for investment, leading to the creation of state entities such as Sanral. (Presidential SOE Review Committee, 2012). The first comprehensive post 1994 policy on transport was developed from 1995, culminating in the release of the Green Paper on Transport in early 1996, as a discussion document. After further consultations, the White paper on transport policy was approved in 1996. The

then Minister of Transport, Mac Maharaj, commented in the foreword that the policy had been a result of wide and extensive consultation, conflicting views and opinion, and that "government has to take its own decisions bearing in mind what serves the national interest" (DoT, 1996:i). This statement suggests that full consensus and agreement would not be the determinant of government decisions.

The new (1996 White Paper) policy repurposed national government's role, to focus more on policy and strategy and limited direct involvement in infrastructure provision and operations or services. It made a distinction between economic transport infrastructure, which could be funded through borrowings and paid back through direct user charges, and social transport infrastructure, which should be prioritized by the fiscus. Government was to encourage the participation of the private sector in infrastructure, with government being a supplier of last resort, where the market has no interest.

The national roads agency was conceptualized, through this policy, as an entity that would provide, maintain and operate the primary economic infrastructure network, securing finance through innovations like the Build-Operate-Transfer (BOT) concession model and effect direct user charges, in the form of toll fees. Sanral was subsequently formed in 1998, for this purpose (ibid). The role of an entity like Sanral within the governance framework is best expressed through the illustrative diagram (Figure 8) below:

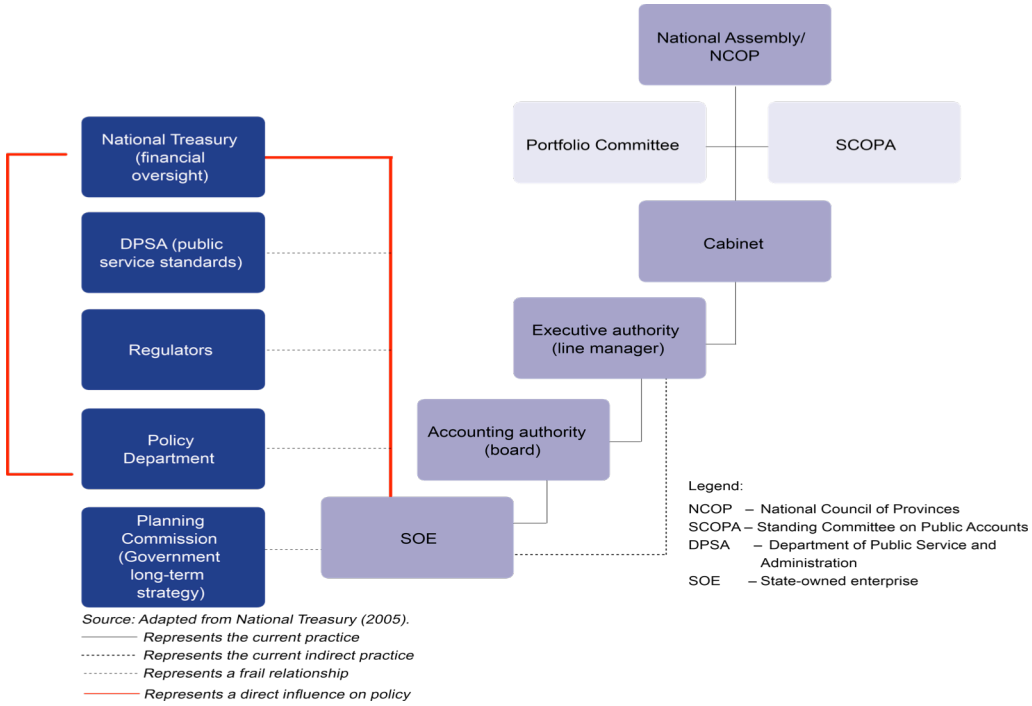


Figure 8: Governance structure of SOEs (Modified by author), (Presidential SOE Review Committee, 2012)

This diagram explains the linkages between a State Owned Enterprise (SOE) like Sanral with the rest of government, the executive and the legislature. It shows how the system was designed to operate and also how it operates in reality. There are specific lines of authority from the agency, its board, all the way up to the National Assembly, with a supportive and indirect relationship with the support and oversight functions like the National Treasury, the policy department (Transport, in this case) and others. The National Treasury tends to play a much bigger role than that of financial oversight, for both the policy department and the entity itself. It is a finance department that also makes a direct contribution to policy, or even influences sector policy, in a way that will make it align better with overall government strategy and also be aligned to budgeting policy, as in the case of the User Pays policy.

An illustrative example of how this plays itself out in practical terms is on the contentious debate on the user pays principle. The Transport policy wording was more accommodative of different options, using terminology like 'where feasible' government can implement different funding options like a dedicated levy on

fuel, or toll fees as direct user charge. National Treasury budget considerations and policy are worded in more direct terms, expressing full support for direct user charging, in the form of tolling, and also stating clearly that it is not in support of fuel levy allocations for transport infrastructure.

This input, while it is linked to the fiscal and budgeting approach of Treasury, and therefore justified in that way, should have ideally found better expression in the original policy, so that the transport industry and many other stakeholders are well clarified, and there is certainty on what to expect from the government's decision making process.

The next section provides analysis on the findings, and the discussions will be structured in line with the research question on the GFIP public participation process.

6.3 ANALYSIS ON RESEARCH FINDINGS

The citizen's right to be consulted and participate in government decisions is enshrined in the constitution. This work set out to understand how and why the public participation for the GFIP process could not foresee the opposition and unhappiness of various sectors of society with the funding mechanism for the project. The research, and its findings set out to answer the following question:

6.3.1 Research Question

Why was the public participation process for the urban tolling aspects of the GFIP unable to anticipate, and respond to the opposition to urban tolling?
Sub-Questions:

1. What was the nature of the public consultation process for the project?
2. How did the public consultation process shape and influence the implementation of the project?
3. What explains the disjuncture between the opposition raised to urban tolling, and what was actually approved and implemented?

The analysis is presented using the research sub-questions to shape and provide structure to the discussion.

6.3.2 The nature of the GFIP public participation process

The GFIP, as a project and its public participation process had to start with the development and approval of the White Paper on Transport Policy, in 1996. From 1995, the Department of Transport set out to review national transport policy, with the intention of developing a new policy that would reflect the aspirations of the democratic government whilst recognizing the resource constraints of the national fiscus. The department embarked on a consultative process, inviting a range of stakeholders into working groups and plenary sessions, which produced a discussion document, the Green Paper. With further consultations, the green paper became the White Paper and was approved and adopted as official policy. This process elicited comment and participation from over 135 organisations and public bodies. This indicates that there was a fair amount of participation, the Minister of Transport was satisfied that the document was as accommodative as it could be (DoT, 1996). This is how the principle of direct and indirect user charges and cost recovery from the user, for high level infrastructure became part of the formal policy options for post 1994, democratic South Africa. The promulgation of the Sanral Act, and the establishment of the agency flowed from the adoption of the policy. Sanral, as an entity of government, does not carry the policy development mandate, therefore its consultation processes and legislation would not be able to consult the public on policy matters such as financing and tolling options.

The Minister's assertion that the government's decision would be based on the national interest, after the consideration of different inputs, showcases a prime example of the exercise of executive power of a democratically elected government that is legally empowered to represent its constituency, making decisions for greater good of society, after undergoing a consultative process (Nyathi, 2008; Khanyile, 2015). These decisions are supposed to represent the will of the electorate and thus the citizens but in a country characterized by high

levels of poverty and inequality, there can often be a gap between the citizens and their political representatives. Decisions made by the executive tend to be more of a reflection of the society's political elite, who are closer to power, and are able to exercise their right to participate more effectively (Ramukosi, 2018). The Constitutional Court, in the matter between Government and OUTA, has affirmed that it is the duty and responsibility of government, stating that it is the duty of the executive to formulate and implement policy and to make decisions on how public projects are financed.

The next stage, which is the conceptualization and development of GFIP, sees the Gauteng province developing a plan to increase the capacity of the province's road network in order to enhance economic growth and deal with growing congestion. With the approved national transport policy of 1996, which supported the user pay principle where economically viable, the 1998 Gauteng Toll Road Strategy was developed, in line with this policy approach.

After the province had approached national government for assistance with the implementation of their strategy, an Inter-governmental working group, including the province and affected municipalities was formed, to develop the project further. This step in the project's development was significant for the purpose of consultation and the meaningful participation of stakeholders like municipalities in the early stages of the project, so that they could influence decisions. A 2006 High Court judgment, in a matter between the State and Nicolaas Smit, which involved Sanral and its toll declaration process of the N4 toll road, had found that the agency's mere solicitation of comment from affected municipalities was not sufficient as a consultation exercise, ruling that a consultative process is deemed genuine and effective when it offers more than just the opportunity to comment, but actually receives and considers the comments, and that this is done at the formative stage of the proposal, in order to actually influence the process (State v Smit, 2006).

What is instructive about this judgment is that this right to participate was asserted and endorsed only for the Premier and the affected municipalities. The

court made a distinction between the act of soliciting comments through a government gazette notice for all interested parties, which it deemed adequate, and the consultation of municipalities, as representatives of the affected communities, which had to go further than just seeking comment (ibid). The second point of significance with this judgment was that this case was limited to the toll declaration process, focusing on the physical aspects of route determination and the location of toll plazas. It was not about the merits of the policy that led to the tolling project in the first place.

This principle was re-affirmed by the North Gauteng High Court, in the matter between OUTA and Government, which stated that matters of operating costs, financing and tariff determination are for the Executive to deliberate and determine. The court found that the toll declaration process was adequate for the purpose of informing those that are interested about the physical aspects of the routes or the location of gantries (OUTA vs State, 2012).

The consultation process, within and amongst government officials and political structures was in the form of presentations and interactions with the public representatives and lawmakers of both the province and the three affected municipalities. Sanral was able to demonstrate to the Cabinet, and in the courts that they had numerous interactions, at the project development stage between 2005 and 2007, with the Gauteng Legislature, and had also presented the project to portfolio committees and council meetings of the three municipalities (Sanral, 2011; Respondent A Interview, 2020).

The project implementing agent, Sanral, and the national department of transport, operated on the understanding that the other spheres of government, who were an integral part of the project team, would also carry out their responsibilities on representation, information dissemination and constituency consultations (Respondent A interview, 2020). The project was implemented in a manner consistent with this collaborative approach and there were no major changes between what was communicated, what was approved, and what was eventually implemented.

This approach was in line with the policy position of the 1998 White Paper on Local government, which reinforces the importance of the municipal ward committee system as a tool for feedback and accountability, not only for municipal matters, but also for national and provincial plans, to strengthen policy alignment and service delivery. The ward committee system is meant to improve alignment with provincial and national plans so as to strengthen implementation and delivery (White Paper, 1998; Khanyile, 2015).

For the GFIP, Sanral published the required notice in a Government Gazette published on 12 October 2007, through six different notices. The wording used for both the title and the text was plainly written and it clearly conveyed the intention to toll, as well as the steps that an interested party must use to make their representations, and have their say. This is an important element of the public participation process. Sinclair and Diduck (2016) emphasize the importance of clear communication, sufficient public notice and opportunity to comment as key aspects of a meaningful participation process.

The Minister of Transport is the executive authority that must approve the toll declaration process. In order for this to happen in the legally stipulated manner, Sanral must, as part of its request to the Minister, provide proof of consultation that complies with the Sanral Act. The Minister must receive a report that shows that Sanral has published the required notice, and that the inputs received have been duly considered and responded to by Sanral. For the GFIP, the Minister of Transport was provided with a briefing report summarizing the issues raised by the public, including the responses that were provided.

The Minister is expected to assess the responses for appropriateness, fairness and satisfy himself that they were adequate. The role of the Minister, as the public representative was not to assess inputs on the basis of whether they agreed with the tolling policy because the published notice did not open this up for debate. It was already an approved policy, but it was to assess whether there was adequate public notice, access to information and that Sanral had provided

adequate feedback to the public (Sinclair and Diduck, 2006). The participation process is meant to foster inclusion as well as a sense of justice and should, ideally, enhance the decision making process for the executive (Innes and Booher, 2004). The public outcry and rejection of the project indicates that government did not achieve this.

In addition to this consultation process, the Department of Transport also initiated its own parallel consultation process. The public was requested to comment on the GFIP by providing comment through a specially created link on the department's website that was open for a specific period. The public was made aware of this option through a media statement. The inputs received were collated and presented to the Minister, to assist him with making the decision on the toll declaration. Respondent B explained that this was meant to give the department a more direct and broader sense of public sentiment for the project, and enable the departmental officials to advise the Minister when the Sanral request for toll declaration was submitted. There was no indication of how many submissions were received by the Department, except that it was not a substantial amount. It did not cause any alarm with the officials.

6.3.3 How the public consultation process shaped and influenced implementation of the project

This research has demonstrated that the public participation process for GFIP has to be viewed through a broader lens than that of the 2007 public participation process. This can be best described as one of the phases of implementation and consultation on the full life cycle of the project and the policy principles that informed it.

The first stage of consultation, on the principle and broader policy objectives of funding for road infrastructure, user charges and cost recovery was in the 2005-2006 policy development stage. There were extensive and lengthy discussions and parliamentary hearings that led to the approval of a National White Paper (DoT, 1996). This could be the reason why the policy wording was more

inclusive of different options, it was most likely a reflection of the inputs and opinions of the more than 135 organizations and interested parties who participated.

The next level of influence, which shaped the project in a more precise and instructive manner, is the inputs and strategic direction received from the National Treasury, as the custodian of budgeting policy. The evolution or shift from the options that were identified in the transport policy, such as a dedicated transport levy on fuel and other innovative ways had shifted to the much more pointed and precise language, referring to the equitable and efficient nature of direct charges and tolling.

The National Treasury also indicated that it was not in support of a ring fenced fuel levy for roads. The Cabinet has consistently defended the user pay principle, in the form of direct charges, as more equitable and credible (Motlhante, 2012). This state of affairs is reflective of the type of influence that the National Treasury, as the custodian of government finances, has on Cabinet decisions. The Cabinet Memo guide from the Presidency also confirms this, advising departments to ensure consultations and deliberations with the Treasury department, prior to Cabinet submissions (Presidency, 2015).

Government has consistently maintained the commitment to the User Pay policy, even after the public objections, threats of strike action and legal challenges to the GFIP. The GFIP public participation process, has since been re-opened a number of times, resulting in some concessions from government, but the unpopular tolling policy remains. As the courts have affirmed, government exercises the executive prerogative on policy choice. The diagram below outlines a summary timeline of the various attempts, including court action by OUTA, to stop the implementation of urban tolling.

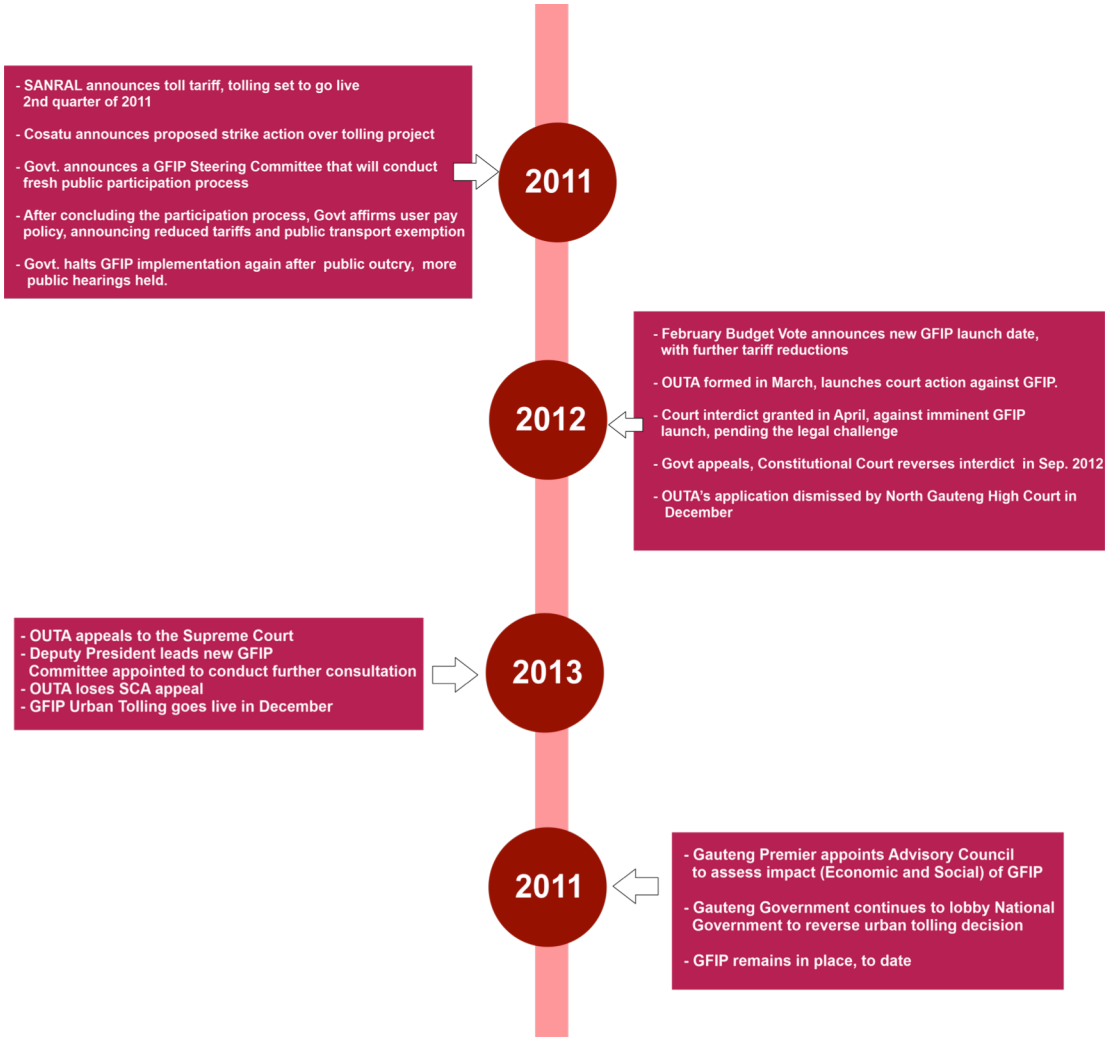


Figure 9: Post-Implementation Public Participation: A timeline (Own Compilation, from research material, 2020)

Sanral has always maintained that it does not have the powers to develop or to amend existing government policy, stating that they cannot conduct or lead any debates on government policy. In their stakeholder engagement sessions, they usually redirect such discussions to government, insisting that they can only implement the policy, as adopted by the executive (Macozoma, 2020).

The affected municipalities and province, as the co-developers of the GFIP, are the stakeholders that have shaped the project development, beyond the discussions on policy. They were part of the project steering committee that oversaw the different feasibility studies, the route determination and also the

location of the toll gantries. The Gauteng province was also able to request Sanral to take ownership of some of the provincial road network, like the R21 section that was gazetted later than the other routes, in 2008, for the intention of including it into the GFIP network (Sanral, 2011; OUTA, 2019).

The toll declaration process, in 2007, was the first direct opportunity for the general public to interact with the facts of the project, and to have a say in its implementation. This window of opportunity for the public to comment was open only after the Cabinet had approved that it could go ahead, and it was only focused on certain aspects of the project like the proposed routes and the number and location of toll gantries. The gazette notice described as an electronic tolling project, but it did not provide further details on the indicative tariff. This information was not kept hidden from the public arena as it was shared with the media, and was provided to the different stakeholders that Sanral was interacting with, providing details on the project (DoT, 2011).

The financial information was not included in the gazette because there was no intention to solicit public views or inputs on this aspect of the project, with the general public. Sanral had sought extensive participation and input from the province and the affected municipalities, and had made submissions for Cabinet approval, based on the inputs generated by the project steering committee.
In the court challenge OUTA vs Sanral (2012), the North Gauteng High Court offered this legal interpretation of the toll declaration phase:

> …the operating costs and likely tariff to be imposed are matters which are not open for comment, or public participation by potential interested or affected persons…those matters fall squarely within the domain of the Executive Government…the publications in the Government Gazette and newspapers circulating were clearly adequate to inform interested persons of the toll declaration (OUTA vs Sanral, 2012:14-15)

The toll declaration notice elicited limited response from the public, with only 30 responses received and a petition with 53 signatures. This is a poor response, given the high levels of unhappiness and resistance that the project has

experienced since launching. A number of factors could have contributed to this, the most simple being that maybe the communication method of published notices in a government gazette is not the most effective way to reach the ordinary public. Khatleli et al (2017) observed that government tends to use obscure and outdated means of communication, which does not appeal to the majority. Another reason could have been the growing distance and disconnect between the citizens and government, caused by increasing inequality and corruption, which leads to a disenfranchised and passive citizenry (Friedman, 2009). Citizens do not trust that their representatives are truthful and sincere, often feeling like they are being managed or manipulated by those in power (Ramukosi, 2018). Respondent A made a similar observation that the project, and Sanral as an agency was caught up in the increasing discontent and backlash against corrupt contracts. There was a perception that the GFIP contract was a corrupt deal and the agency struggled to deal with this as it had always been celebrated as a well-run public entity.

6.3.4 The disjuncture between the opposition raised to urban tolling, and what was actually approved and implemented

The GFIP, as a project, has its origins from a Gauteng provincial plan to develop and toll the provincial road network, primarily to deal with congestion, which had been identified as one of the factors that was inhibiting economic growth in the province. National government got involved at the behest of the province, and Sanral was appointed as a project manager because it had been established and equipped with the regulatory powers to implement toll roads. The Gauteng province, and the three affected municipalities continued their involvement with the project's further development and refinement into the version that was approved by Cabinet in 2007(DoT, 2011; Sanral, 2011; OUTA, 2014). The researcher has not found any explanation from the Gauteng provincial government on how and why they did a complete turnabout, and denounced a project that they had developed, and then requested Sanral to implement.

Cabinet approved the GFIP in 2007, after the consideration of a memorandum before it, accompanied by a number of technical supporting documents from different experts, all supporting tolling as the best funding option for the project. The transport department demonstrated that the project was an inter-governmental one, having been jointly developed by all the three spheres of government in Gauteng. There were attachments of economic and social impact studies, done by reputable institutions such as the Graduate School from Cape Town University, Arup and University of Johannesburg (DoT, 2011; OUTA,2019). Both studies concluded that the benefit of upgraded and tolled infrastructure would justify and even outweigh the cost of tolling to motorists (Sanral, 2011). The economic impact report specifically stated that the GFIP project was based on rational economic principles and would return positive societal benefits, but it also flagged the need for concessions for public transport, to protect the poor (DoT, 2011). After consideration of all the facts placed before it, Cabinet affirmed that the tolling option as the most equitable (Motlhante, 2012) and approved the project.

The budget policy stance, to discourage ring-fenced budgets for transport and roads is an executive prerogative that cannot be altered through public consultation by an implementing agent such as Sanral or through protest or court action. The representative democracy that South Africa subscribes to enables citizens to use the power of their vote to endorse the policies of the political party of their choosing (Nyathi, 2008). This is an integral aspect of how the electoral system confers implicit consensus of the citizens to the decisions that are made by elected representatives, on their behalf (Rechner, 1995b).

The Cabinet approval made it clear that when the GFIP is implemented "normal procedures for toll schemes will apply including the declaration of all identified roads in the scheme as national roads, execution of the toll declaration process and the determination of toll tariffs." (National Treasury vs OUTA, 2012:16). The consultation process, as envisaged in Section 27 of the Sanral Act, would still go ahead.

Cabinet approval was an executive decision on the project and the funding method. The constitutional court found that "the decision to levy toll is a distinct administrative act from the declaration of toll roads, which occurred in 2008" (ibid: 17). The said administrative act is an executive prerogative. The project was officially launched after Cabinet's approval, and both Sanral and the Department of Transport continued with various stakeholder engagements, for the purpose of providing briefings and status updates on the rationale and implementation status of the project.

The toll declaration notices were published in 2007 and 2008, and Sanral responded to all comments received and also briefed the Minister of Transport on the comments and said responses, to enable him to come to a decision on the declaration. The department of Transport also embarked on a similar process of soliciting comments, although there was no legal basis or requirement to do this. The department also wanted to advise the Minister, in addition to the Sanral process (Respondent A and B interviews; 2020).

Both these consultation processes were open to all, and the comments received were subjected to a process of filtering by the officials. Respondent B explained that this was necessary because the purpose of this exercise was to enhance the decision making process, considering the inputs that were deemed useful for the implementation of the GFIP, and disregarding those comments that were deemed as being "outright negative" about the tolling aspect (Respondent B Interview, 2020). This additional process was introduced for the purpose of assisting the Minister in exercising his duty as the executive decision maker, by incorporating the public's views into the process, whilst still exercising his powers. This is in line with the function of a public participation exercise, as described by Innes and Booher (2004).

The act of filtering comments for consideration is reflective of the department's assertion that the consultation process was not meant to change public policy, or to achieve full consensus on the implementation process. This matter had been consulted on and finalized as part of the policy making stage, when the policy

was approved in 2006. Consensus, in the context of public policy, is but one factor that has to be "weighed on the scale along with many others" (Reschner, 1995b: 11) and the previous Minister Maharaj's comments in the 1996 White Paper confirmed that government's approach is informed by broader issues of national interest.

The Government's view, which was also presented as a legal argument in the GFIP constitutional court case against OUTA, is that government's mandate and prerogative to formulate and implement public policy is derived mostly from the political arena (National Treasury vs OUTA, 2012). The governing party policies are approved and endorsed by the citizens through the democratic vote, and public consultation does not override this process. The Constitutional Court agreed with this view, stating that the contestation of executive government decisions has to be done through a political process.

Respondent A stated that Sanral also had stakeholder engagements with, among others, the Road Freight Association, a body representing freight haulers and with the Southern African Vehicle Rental and Leasing Association (SAVRALA), one of the founding members of OUTA, the organization that was formed to oppose the GFIP. Respondent A observed that the SAVRALA/OUTA development of court action, claiming lack of consultation shows that the general expectation from public consultation is to "get one's way or claim lack of consultation if this is not achieved".

Respondents A and B highlighted the fact that the Department of Transport also presented the project to the National Economic Development and Labour Council (NEDLAC), a legally created structure that is comprised of government, labour and business. The Director-General of Transport presented to NEDLAC in 2007, after the approval of Cabinet. This was part of the broader stakeholder engagement initiative; for the purpose of sharing GFIP project details and status updates. The Congress of Trade Unions (COSATU) later became vocal opponents of GFIP, and made written representation to this effect to the 2011 Steering Committee that was established to deal with the public backlash. They

maintained that they are opposed to the user pay principle for this project and that the discussions should be taken to NEDLAC (DoT, 2011). NEDLAC was established for the purpose of ensuring ongoing communication; consultation and mutual agreement on government programmes that impact on public finance, the labour market and development policy. It is not clear whether Cosatu was saying the matter needed another round of discussions at Nedlac or if they were denying any previous presentations.

It is therefore rational to observe that Sanral is unlikely to have anticipated the opposition that later came from COSATU, an organization that was, or should have been aware of the project, or from the Gauteng Province, who were the initiators of the Gauteng Tolling Project. There has been no change of political representation in terms of the ruling party; therefore it is a reasonable expectation that the policies of the ruling party should be implemented consistently, from one administration to the next. The GFIP was a classic display of the impact that political risk and lack of consistent political support can have on tolling projects of this nature (Malahleha, 2011).

6.4 CONCLUSION

The analysis of the public participation process for GFIP demonstrates that there are multiple layers and phases of governance and this applies to public consultation as well. This analysis has conveyed a new understanding of the different roles and responsibilities of an agency, its parent department, and how it interacts with the rest of government. The details of the consultation process that was followed by both Sanral as an entity, and the department of Transport, as its shareholder and policy department have also highlighted the different layers of participation in a representative democracy, shedding light on some of the blind spots and limitations of representation.

It shows that the GFIP public participation was neither about achieving sufficient public consensus for the project, nor managing the dissensus on the policy issues that later emerged as key points of opposition for the project. These

important points, such as method of funding for the project as well as direct user charges fell outside of the scope of public consultation. Government therefore missed the opportunity to genuinely consider inputs on these pertinent matters, and could not persuade the stakeholders in order to increase the acceptability of the project. The experience of the GFIP demonstrates the importance of attaining an adequate level of acceptance and consensus, prior to implementation.

CHAPTER SEVEN: CONCLUSION AND RECOMMENDATIONS

7.1 INTRODUCTION

The aim of this study was to assess why the public participation process for the GFIP was not able to anticipate the high levels of urban tolling. The research findings and analysis have presented a number of factors and reasons that have led to the project's current state of public dissatisfaction and low levels of compliance. This study has highlighted the role that public participation is meant to play in a representative and diverse democracy, how it influences public policy and the shortcomings that it presents with. The concepts that were explored, such as notions of acceptability and consensus have brought about a different understanding of what the outcomes of a participation process can and should be, and the importance of actively managing expectations and risk. This final chapter summarizes the key findings and presents some recommendations and suggestions on future studies.

7.2 RESEARCH OBJECTIVES

The aim for this work was to conduct a review and assessment of the public participation process that the GFIP, as a national project, had followed and to probe why it had been unable to anticipate the significant opposition to the project. This opposition has had a big impact on the project and has led to a sustained campaign of civil disobedience that has made revenue collection difficult for Sanral, leading to a negative impact on the financial standing of the Agency and government as a whole (Williams, 2017; Engineering News, 2018).

This turn of events is despite the fact that a fairly inclusive legal framework guides consultation and public participation in democratic South Africa, and that government and Sanral had followed the required legal processes. The exploration and analysis was conducted through an assessment of the decision-making and consultation practices for the GFIP, as a project.

7.3 SUMMARY OF MAIN FINDINGS

Through a detailed analysis of data, supplemented by interviews with key officials, the research has shown that the development and implementation of government policy is often a convoluted process that is reliant on executive prerogatives and decisions as well as indirect and limited public participation. This limited participation serves the purpose of informing and updating the public on the decisions that their elected representatives are making on their behalf.

The research question sought to understand why the public participation process for the urban tolling aspects of the GFIP unable to anticipate, and respond to the public opposition to urban tolling. The outcomes for this enquiry are provided in summary form, as a response to the three sub-questions:

7.3.1 The nature of the public participation process

The GFIP had three identifiable stages of development, which are succinctly captured in Figure 7, page 71. The first stage, policy formulation, was led by the Department of Transport and was a process that included fully public consultation, including public hearings over a period of almost 2 years. The process culminated in a carefully worded policy, but there was a written commitment that after consulting widely, government would have to implement what it deemed to be in the national interest. The government's objectives for the consultation exercise was not aimed at obtaining full consensus on what the solutions are for transport sector challenges, but to aid the executive's decision making process. All inputs were considered, deliberated on in a way that would facilitate government's broader objectives of social development and economic growth (DoT, 1996).

The next stage for the GFIP was the development and approval stage. This is a process that commenced with the Gauteng province developing a toll road strategy, with the aim of developing an expanded freeway network that would reduce congestion and grow the economy. This is the project that the province

later requested national government to take forward and implement, as a toll road network. The project was developed and refined through an Inter-governmental committee, with government officials from the three different spheres consulting amongst each other and with the elected decision makers in the provincial legislature, portfolio committees in the municipalities and ultimately Cabinet.

After approval was obtained in 2007, Sanral had the authorization to raise funds for the project and to consult the public on some aspects of the projects, particularly the physical location of proposed toll routes and the positioning of toll gantries along the different routes. Notices were published in a government gazette and interested parties, or any stakeholders, could comment on the toll route declaration, over a period of 30 days. All comments submitted to Sanral were responded to, but anything related to funding options or tariffs would not receive much consideration, as it fell outside the scope of the exercise. The Minister of Transport, having considered the facts of the project, the comments received and the responses provided, approved the toll declaration for GFIP and a government gazette for same was published on 28 March 2008 for the N1 and 28 July 2008 for the R21 section.

This approach, whilst fully in line with the legislation that governs the Sanral mandate and its operations, seems to be the one of the main reasons that the GFIP has not enjoyed public support. The limited and obscure nature of the public consultation exercise had little opportunity to convince the skeptical public that the project was in the public interest and that direct user charges were the most equitable way of funding it. At this stage of the project, ministerial consideration of input was limited and would have no impact on the nature of the project, it was at an implementation stage of the project, and any inputs received could no longer influence the process or the plan.

National government, through the Department of Transport, is the custodian of transport policy in the country. It is this department that introduced the User Pay Policy, supported by National Treasury, a department responsible for

government's budget policy. Road Tolling, one of the main levers of a user pay policy, predates the formation of the road agency Sanral in 1998, and was an integral part of the National Transport Policy that was adopted by government in 1996.

The policy approval process was subjected to public consultation, and also went through a public parliamentary approval process. The constitutional and representative democracy of South Africa provides the executive with the prerogative to set public policy, in line with all legislated consultative processes. The consultation process does not however, veto the executive's powers; this is a principle that has been affirmed by the Constitutional Court.

The government's further role in approving the GFIP project, whilst cognizant of public sentiment, was to engage the public and key government stakeholders on the modalities of implementation of the project, not to open the debate on the user pay principle and policy. This research, in its outline of the history of road funding in Chapter 4, has shown that the debates on the fuel levy's effectiveness for funding road infrastructure are not new, and have elicited strong, and often conflicting view from stakeholders. Dissensus and contention on funding choices have been a consistent aspect of road tolling, with citizens viewing this as an additional tax on a public good (Saleh and Farrel, 2005). The success of a tolling project is recognized as being reliant on both and public acceptability (Ieromonachou et al, 2006), and it would have been beneficial for government to spend more time and effort cultivating increased acceptance of the project, even in the midst of disagreement on policy. This is the hallmark of a functional and effective society (Reschner, 1995; Innes 1999; Mouffe, 2007).

The formation of Sanral, through the promulgation of the 1998 Sanral Act was a deliverable of the 1996 transport policy, which advocated for the creation of a national agency that would develop, finance and manage national road infrastructure. Road tolling was a fundamental aspect of Sanral's mandate and even features prominently in the Sanral Act. This is the main reason why the Gauteng province approached Sanral, and requested assistance from national

government, to implement their Provincial Roads Plan, which was solely dependent on tolling. The roads agency was not only implementing government policy, as per their mandate, but with GFIP, it was implementing a provincial project, at the behest of the Gauteng province.

The consultation process that is stipulated by the Sanral Act was followed strictly for the GFIP project and elicited minimal inputs from the public. This is likely due to the communication methods that government uses, which Khatleli et al (2017) has described as being outdated, with limited public reach and penetration. The 32 comments and 53 signature petition that were received were all individually responded to by Sanral, but comments that were not limited to the proposed toll routes or the location of toll gantries did not receive much ministerial consideration. This is due to the fact that the toll declaration process is only limited to those physical aspects, and not on matters that have already been deliberated on, and approved by the executive. This includes matters of funding and payment methods.

The toll declaration process was supplemented by ongoing stakeholder engagements and media briefings, providing regular updates on the project and communicating the intention to toll, but this additional step was for the sole purpose of informing the public on Sanral and government's plans, not to seek input that could change or shape the project in any fundamental or meaningful way. Sanral's strategy was to seek maximum input, at an early stage, from the affected municipalities and the province, which was the project initiator. The GFIP was the main output of the 1998 Gauteng Toll Road Strategy.

An Inter Governmental Steering Committee was formed as early as 2005, with the three municipalities and the province. The Gauteng legislature, portfolio committees and even mayoral committees of the province and all affected municipalities were consulted at the early phases of the project; and they deployed provincial and municipal officials to the project committee. This structure was part of the development team for all the milestones of the project, including the indicative tariff, with regular briefings to the legislatures of the

different municipalities and the province. All three spheres had the time to influence and shape the project at the formative stage. This approach was collaborative in nature, with the aim of ensuring the necessary dialogue and consideration of input from the municipal and provincial representatives. Decisions made by the Minister of Transport and Cabinet had taken due consideration of inputs from these stakeholders.

7.4 IMPLICATIONS OF THE STUDY

This study makes an important contribution to the ongoing debates on the meaning of consultation and its contribution to the shaping of public policy and government programmes. It also provides a more nuanced understanding on the benefits and limitations of public consultation, particularly for national projects, within the representative democratic system that South Africa has. Being afforded the opportunity to be heard on public initiatives does not automatically translate to change in policy or project approach, the Executive has the powers to implement what they view as being in line with 'national interests', as they have determined.

This study's primary focus was on public consultation mechanisms that were employed by government for the GFIP, as a national project but it has also brought into stark focus the importance of the role of public representatives and office bearers in the numerous structures that they are voted and/or appointed to. Elected officials in the Gauteng province, the local municipalities and trade union office bearers in NEDLAC are placed in positions of power and responsibility to represent a constituency. They carry the hopes, aspirations and the implicit trust of those who vote them into the positions they occupy. They have a duty and responsibility to keep vigilant on the needs and aspirations of their constituency, and to report back regularly.

This continuous feedback is an essential component of the accountability that is expected from political representatives. The act of securing a political mandate is meant to be a dynamic process, with continuous engagement and feedback.

This ensures that representatives are able to facilitate true consideration of the people's input and consensus throughout the term of government. The act of voting in a government may be a form of implied consensus, and thus agreement, but it should not disempower citizens, and remove them from the act of influencing governance decisions.

The effectiveness of the representatives has had a direct impact on a multi billion rand government project and a wider impact on the financial sustainability of government as a whole. Public sentiment and resolve not to support the implementation of GFIP has resulted in a public disobedience campaign that has rendered the GFIP project an operational failure, putting doubt on the future sustainability of Sanral as well as the future of new road infrastructure projects into doubt.

7.5 RECOMMENDATIONS

The GFIP experience provides lessons on the importance and significance of the vote in holding such representatives to account for the decisions they make on behalf of the citizenry. The reality is that with all the numerous post project consultations that have been done, government has not changed its policy stance on urban tolling and even more alarming, they are not obligated to. The only recourse citizens seem to have is civil disobedience, to refuse to pay, and risk legal action being taken against them.

The main recommendations emanating from these observations are:

I. The training provided to public representatives in all spheres of government should be enhanced to include a better understanding of intergovernmental relations, the localization of national projects and the expected role of the elected or appointed officials in their respective roles, in disseminating information and being an integral part of the government communications and consultation structures.

II. The nature and purpose of public participation needs to be outlined and detailed, by Government, in policy documents and ultimately, in a clear legislative framework that directs all spheres of government on how to

conduct credible and consistent public participation processes, in line with the spirit of the constitution. The intention was for citizens to not only be informed but to be heard, it is unsettling that politicians can usurp the implied consensus that a popular vote gives to make decisions that seem to completely disregard the will of the same voters. Citizens must be afforded the appropriate opportunity to influence both policy and public projects, in a way that provides a balance between the executive prerogative and the direct will of the people.

III. Government has to investigate alternative options and means to fund future national road infrastructure projects and to support the entity Sanral, outside of the road tolling strategy. The future phases of GFIP have been put on hold indefinitely and other tolling projects that Sanral has attempted to rollout in the Western Cape and the Wild Coast have stalled due to low levels of both public and government support.

IV. The 2017 Transport Policy Update has re-affirmed the road infrastructure finance approach to be the exact same as that of 2006. It seems that the GFIP experience has not provided any lessons or reasons for circumspection to decision makers. The 2017 update seems to still be in draft format and therefore there is still opportunity to open up the debate and discussions on this strategic issue. It is unlikely that tolling could ever be done away with completely, but an honest and comprehensive public discussion on these matters is long overdue.

7.6 FURTHER RESEARCH

There is a need to commission further research on initiatives that could lead to better public acceptability levels for the road pricing strategy. Furthermore, the implications of the performance failures of local government on the implementation of national projects would provide valuable insights on the interdependencies within government, and possibly provide further evidence and motivation for the proper capacitation of the local sphere of government.

REFERENCE LIST

Arnstein, S., 1969, Ladder of Citizen Participation, *Journal of the American Institute of Planners*, July, 216-224

Avis, W.R. 2016. *Urban Governance (Topic Guide)*, GSDRC, University of Burmingham, Birmingham UK

Bannister, D., 2003. Critical Pragmatism and Congestion Charging in London, *International Social Science Journal,* 55(176), 249-264

Burns, R. B., 1997, *Introduction to Research Methods*, Melbourne: Longaman Cheshire

Business Tech, 2015. *Gauteng road project cost R7 billion than it should have: Outa.* [online]. Available from: https://businesstech.co.za/news/trending/93038/gauteng-road-project-cost-r7-billion-more-than-it-should-have-outa/, Accessed on 18 May 2020

Business Tech, 2019. *How much it would cost to scrap e-tolls right now*. [online]. Available from: https://businesstech.co.za/news/motoring/330511/how-much-it-would-cost-to-scrap-e-tolls-right-now/, Accessed 22 March 2020

Booysen, S., 2009, Public Participation democratic South Africa: from popular mobilization to structural co-optation and protest, *Politeia,* 28(1), 1-27

Brenner, N. 2004, *New State Spaces, Urban Governance and Rescaling of Statehood*, Oxford University Press, Oxford

Byiers, B., and Vanheukelom, J., 2014, *What drives Regional Economic Integration? Lessons from the Maputo Development Corridor and the North-South Corridor*: Discussion Document, European Centre for Development Policy Management, [online], https://ecdpm.org/wp-content/uploads/DP-157-

Regional-Economic-Integration-Maputo-Development-Corridor-2014.pdf, accessed on 03 August 2020

Calland, R., 1999, *The First Five Years: A review of South Africa's Democratic Parliament*, Cape Town, Idasa

Crafts, N., 2009, Transport infrastructure investment: implications for growth and productivity, *Oxford Review of Economic Policy*, 25(3), 327-343.

Department of Transport, 1991, *A review of the Toll Road Policy for the Republic of South Africa*, Pretoria: Department of Transport

Department of Transport, 1996, National Transport Policy White Paper, [online] https://www.gov.za/documents/national-transport-policy-white-paper, accessed on 06 September 2020

Department of Transport, 2011, Gauteng Freeway Improvement Project: Steering Committee Report, Pretoria, Department of Transport

Department of Transport, 2017, *Draft Revised White Paper on National Transport Policy*, [online] https://www.transport.gov.za/documents/11623/54203/UpdatedNationalWhitePaperTransport_14082017_2018.pdf/70a8805d-54e7-4f11-aaf5-28b0befbc9a4, accessed on 26 January 2021

Desario, J. and Langton, S., (Eds), 1987, *Citizen Participation in Public Decision Making*, New York, Greenwood Press

Doan, J. Q., 2010, *International scan: Reducing congestion & funding transportation using road pricing*, [online], https://permanent.fdlp.gov./gpo9076/roadpricing.pdf, accessed on 07 August 2020

Duminy, J; Odendaal, N and Watson, V., 2014, Case Study Research in Africa: Methodological Dimensions, in *Planning and the Case Study Method in Africa: The*

Planner in Dirty Shoes, Duminy, J., Lerise, F., Andreasen, J., Odendaal, N. and Watson, V. (eds), Palgrave Macmillan, UK

Engineering News, 2018, *Sanral's credit rating downgraded*, [Online]. Available from: https://m.engineeringnews.co.za/article/sanrals-credit-rating-downgraded-2018-07-02/rep_id:4433, Accessed 23 May 2020

Friedman, S., 2009, An accidental Advance? South Africa's 2009 Elections, *Journal of Democracy*, 2 (2009), 108-121

Friedman, S.,2014, The path of the past: South African democracy twenty years on, *EISA: Election Update Compedium,* 2014, 37-42

Gabriel, C. C., 2011, *An assessment of the South African Government's Gauteng Freeway Improvement Project (GFIP) Toll Road Strategy*, Master's Thesis, for Masters of Business Leadership, Pretoria, University of South Africa

Grant, J., 1994, *The drama of democracy: Contention and Dispute in Community Planning*, University of Toronto Press, Canada

Habermas, J., 1984, *The theory of communicative action, Volume 1: Reason and the rationalization of society,* Cambridge: Polity Press

Healey, P., 2003, Collaborative Planning in Perspective, *Planning Theory,* 2(2), 101-123

Healey, P., 1997. *Collaborative Planning. Shaping Places in Fragmented Societies*. London:Macmillan

Hofstee, E., 2006, *Constructing a Good Dissertation: A Practical Guide to Finishing a Master's, MBA or PhD on Schedule*, Johannesburg, EPE

Houston, G., 2001, *Public Participation in democratic governance in South Africa*, (eds) Houston, G. and Liebenberg, L., Pretoria, Human Science Research Council

Huxley, M., 2000, The Limits to Communicative Planning, *Journal of Planning Education and Research,* 19, 369-377

Hysing, E., 2015. Citizen Participation or representative government-building legitimacy for the Gothenburg congestion tax, *Transport Policy*, Vol 39, p1-8.

Ieromonachou, P., 2005, *Analysing the implementation process of urban road pricing schemes*, Open University. BLDSC no. DXN095502, [online], https;//elibrary.ru/item.asp?id=9384071, accessed on 26 July 2020

Ieromonachou, P., Potter, S., and Warren, J., 2006, Norway's urban toll rings: Evolving towards congestion charging?, *Transport Policy,* 13(2006), 367-378

Innes, J. 1999. Consensus building in complex and adaptive systems: A framework for evaluating collaborative planning, *Journal of American Planning Association,* 65(4*)*, 412-423

Innes, J., and Booher, D., 2004, Reframing public participation: strategies for the 21st century, *Planning Theory and Practice,* 5(4), 419- 436

Jordan, A., 2003, *Has governance eclipsed government? Pattern of environmental instrument selection and use in 8 states and the EU*, SCERGE. Working Paper EDM 03-15, University of East Anglia, Norwich

Kaplan, B. and Maxwell, A.J., 2005, Qualitative research methods for evaluating computer information systems, *Evaluating the Organizational Impact of Healthcare Information Systems*, 30- 55.

Khanyile, T., 2015, *Evaluation of Effectiveness of Public Participation in the Gauteng Electronic Tolling Project*, Master's Dissertation, University of Johannesburg, Johannesburg

Khatleli, N.; Baloyi, M.; Gushu, L. and Khan, I., 2017, *It's good for you don't worry: A comparison of South African and International Public Consultation Protocols*, a conference paper delivered at the 11th Built Environment Conference, 6-8 August 2017, Durban, South Africa

Kumar, R., 1999, *Research Methodology: a step-by-step guide for beginners*, London: SAGE Publications

Kumar, R., 2011, *Research Methodology: a step-by-step guide for beginners (3rd Ed),* London: SAGE Publications

Kuokkanen, K., 2013, *Urban Governance and Citizen Participation: a Case Study from the Helsinki Metropolitan Area*, University of Helsinki, published in www.semanticscholar.org, accessed 21 January 2020

Krygsman, S., 2018, Road Funding in South Africa, The User Pay Principle: New wine in old bottles, presentation made to the Transport Forum, 06 December 2018

Lane, M.B., 2005, Public Participation in Planning: an intellectual history, *Australian Geographer,* 36(3), 283-299

Macozoma, S., 2020, *The time to debate e-tolls is over*, Interview with Eyewitness News, [online] www.ewn.co.za, accessed on 12 October 2020

Magubane, K. 2018, *Sanral's bumpy road with e-tolls leads to R6bn funding gap*, [online]. Available from: https://www.fin24.com/Economy/sanrals-bumpy-road-with-e-tolls-leads-to-r6bn-funding-gap-20181003, Accessed 22 May 2020

Malahleha, T., 2011, An analysis of Implementing Open Road Tolling through the Gauteng Freeway Improvement Project (GFIP), Masters Dissertation, University of Stellenbosch, Stellenbosch

Mattes, R., 2002, South Africa: Democracy without the people, *Journal of Democracy,* 13(1), 22-36

Mattila, H., 2019, Habermas revisited: Resurrecting the contested roots of communicative planning theory, *Progress in Planning,* April 2019, 1-29, https://doi.org/10.1016/j.progress.2019.04.001

Maree, K (ed), 2010, *First Steps in Research*, Pretoria: Van Schaik

Mawela, T., Ochara, N., Twinomurinzi, H. 2014. Missed Opportunities for introducing transformational government: Assessing the contentious e-toll project in SA, *Transforming Government-People Process and Policy,* 10(1), 168-188.

Motlanthe, K., 2012, Opening Remarks made by the Deputy President at the GFIP Stakeholder Engagement Session, 15 June 2012, Johannesburg, [online]. Available from: https://www.sanews.gov.za/business/remember-rationale-behind-gfip-motlanthe, Accessed on 24 May 2020

Mouffe, C., 2007, Artistic activism and agonist spaces, *Art and Research,* 1(2), 1-5

Mouton, J., 2011, *How to succeed in your Masters and Doctoral Studies: A South African guide and resource book*, Pretoria: Van Schaik

Ndebele, S., 2011, *The formation of the Gauteng Toll Steering Committee*, Statement by the Minister of Transport, 08 March 2011, accessed from researcher's archives

Netshidzati, A., 2013, *Analysing the Implementation Process of Open Road Tolling in Gauteng*, a Masters Thesis, Johannesburg, University of Johannesburg

Nieuwoodt, H.G., 2009, *An Analysis of the Toll Road Policy of the South African Roads Agency*, a Masters Thesis, Pretoria, University of Pretoria

Norris, P., 1997, Choosing Electoral Systems: Proportional, Marjoritarian and Mixed Systems, *International Political Science Review,* 18(3), 297-312

Nyathi, L, 2008, Public Participation: What has the Constitutional Court given the public? Merafong Demarcation Forum v President of the Republic of South Africa and Others [2008] , *Law, Democracy and Development,* 2008, 102-110

Organisation Undoing Tax Abuse, 2016, *Society's Odious GFIP debt, courtesy of SANRAL: Unpacking the legacy of Gauteng's Freeway Upgrade Construction Costs*, a 2016 paper on SANRAL's GFIP Construction Costs, Johannesburg, OUTA

Organisation Undoing Tax Abuse, 2019, *Getting Beyond the Impasse*, A 2019 Position Paper on the Gauteng Freeway Improvement Scheme, Johannesburg, OUTA

Painter, M., 1992, Participation and Power, in Munro-Clarke, M. (ed), *Citizen participation in government,* Hale &Ironmonger, Sydney, 21-36

Pernegger, L., 2016, Stories of City Strife in Johannesburg: Agonism in Local Democracy and Service Delivery, Doctoral Thesis, Johannesburg, University of the Witwatersrand

Pienaar, P., 2011, *Gauteng Toll Roads: An overview of issues and perspectives*, Paper presented at The Southern Africa Transport Conference, 9-12 July 2011, Pretoria

Presidency, 2015, Guidelines for the drafting of Cabinet Memoranda, from personal document archives

Presidential Review Committee on State Owned Entities, 2012, Final Report presented to HE JG Zuma, President of the Republic of South Africa, , [online], https://www.gov.za/sites/default/files/gcis_document/201409/presreview.pdf , accessed on 18 February 2021

Reshner, N., 1995a, Does Communication Require Consensus?, *Pluralism: Against the Demand for Consensus,* DOI:10.1093/acprof:oso/9780198236016.003.0010, Published to Oxford Scholarship Online October 2011

Reshner, N., 1995b, Problems of Consensus as a Political Ideal, *Pluralism: Against the Demand for Consensus* , DOI:10.1093/acprof:oso/9780198236016.003.0010, Published to Oxford Scholarship Online October 2011

Sager, T., 2002, Deliberative Planning and Decision Making, An Impossibility Result, *Journal of Planning Education and Research,* 21, 367-378

Saleh, W. and Farrell, S., 2005, Implications of Congestion charging for departure time choice: work and non-work schedule flexibility, *Transportation Research Part A: Policy and Practice,* 39 (7/9), 773-791

Sinclair, A., and Didick, A.P., 2016, Reconceptualising public participation in environmental assessment as EA civics, *Environmental Impact Assessment Review,* 62(2017), 174-182

South African National Roads Agency Limited. 2020. Gauteng Freeway Improvement Project Overview. [online]. Pretoria. South African Roads Agency Limited. Available from https://www.nra.co.za/live/content.php?Category_ID=202, Accessed on 23 March 2020.

Sjoblom, S., Andersson, K., Eklund, E., and Godenhjelm, S. (eds), 2006 Project Proliferation and Governance-The case of Finland, Helsinki University Press

Sjoblom, S., Anderson, K., Marsden, T., Skerrat, S. (eds), 2012 Sustainability and Short-Term Policies. Improving Governance in Spatial Policy Interventions, Ashgate, Farnham

Standish, B., Marsay, A., and Boting, A., 2010, *An Economic Analysis of the Gauteng Freeway Improvement Scheme*, a report prepared for the Gauteng Province and Sanral

Statistics South Africa, 2020, *Economy Tab on Website*, [online], http://www.statssa.gov.za/?page_id=735&id=1, accessed on 10 August 2020

South African National Roads Agency, 2011, *The Gauteng Freeway Improvement Project*, a presentation made to the GFIP Stakeholder Engagement Session, 23 March 2011, Pretoria, accessed from the researcher's own archives

South African National Roads Agency, 2013*, Commencement date for E-tolling*, Sanral Media Statement, 11 April 2013

Tornberg, P., and Odhage, J., 2018, Making transport planning more collaborative? The case of Strategic Choice of Measures in Swedish transport planning, *Transportation Research Part A,* 118 (2018), 416-429

Turner, A.H., 2014, Substantive participation: A model of public participation that works for citizens and administrators, *International Journal of Public Administration,* 37(12), 885-894

UN Habitat, 2016, Urbanisation and Development: Emerging Future World Cities Report, United Nations Human Settlements Programme (UN-Habitat), Kenya, Nairobi

Vigar, G., 2017, The four knowledges of transport planning: Enacting a more communicative, trans-disciplinary policy and decision-making, *Transport Policy,* 58(2017), 39-45

Walker, J., 2011, *The acceptability of road pricing*, Published by The RAC Foundation for Motoring Ltd.

Williams, G., 2017, e-tolling: Resolution or revolution, [online]. Available from https://www.news24.com/fin24/Finweek/Featured/e-tolling-resolution-or-revolution-20170207 , Accessed on 22 May 2020

Willson, R., 2001, Assessing communicative rationality as a transportation planning paradigm, *Transportation,* 28, 1-31

Willson, R., Payne, M. and Smith, E., 2003, Does Discussion Enhance Rationality? A Report from Transportation Planning Practice, *Journal of the American Planning Association,* 69(4), 354-367

COURT JUDGEMENTS

National Treasury vs OUTA, 2012, CCT 38/12 [2012] ZACC 18, Constitutional Court of South Africa

OUTA vs Sanral, 2012, 17141/2012, North Gauteng High Court, South Africa

OUTA vs Sanral, 2013, 90/2013, Supreme Court of Appeal, South Africa

The State vs Smit, 2006, CC 280/04, High Court of South Africa (Transvaal Provincial Division)

ANNEXURES

- **ETHICS CERTIFICATE**
- **INFORMATION SHEET**
- **PARTICIPANT CONSENT FORM**
- **INTERVIEW GUIDE**
- **PLAGIARISM DECLARATION**

ETHICS CERTIFICATE

[redacted]

SCHOOL OF ARCHITECTURE AND PLANNING
HUMAN RESEARCH ETHICS COMMITTEE

SCHOOL of ARCHITECTURE & PLANNING

CLEARANCE CERTIFICATE
PROTOCOL NUMBER: SOAP060/06/2020

PROJECT TITLE:	An assessment of the effectiveness of citizen participation in Project Planning and Implementation: The case of the Gauteng Freeway Improvement Project (GFIP) for the Gauteng City Region
INVESTIGATOR/S:	Madikisela Lusanda (Student No: 9511571m)
SCHOOL:	Architecture and Planning
DEGREE PROGRAMME:	Master of Urban Studies (MUS UPG)
DATE CONSIDERED:	05 August 2020
EXPIRY DATE:	05 August 2021
DECISION OF THE COMMITTEE:	Approved

CHAIRPERSON _____
(Dr Brian Boshoff)

DATE: Signed under lockdown: 10.8.20

cc: Supervisor/s: Sarah Charlton

DECLARATION OF INVESTIGATORS
I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to endure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee.

School of Architecture & Planning
University of the Witwatersrand
Private Bag 3 Wits 2050
Johannesburg South Africa
www.wits.ac.za

T +27 11 717 7623
F +27 11 717 7649

INFORMATION SHEET



1 Jan Smuts Avenue, Johannesburg, 2000

Date:

Good day

My name is Lusanda Madikizela and I am a Masters student in Masters of Urban Studies: Urban Management at the University of the Witwatersrand in Johannesburg. As part of my studies, I have to undertake a research project, and I am investigating the public consultation process of the Gauteng Freeway Improvement Project (GFIP). The aim of this research project is to assess the effectiveness of the public consultation process that was conducted, and its impacts on project implementation.

As part of this project, I would like to invite you to take part in an interview on your experience and views on the GFIP project. This activity will involve having an online or telephonic discussion and will take between 30 and 45 minutes. With your permission, I would also like to record the interview using a digital device.

The interview will be completely confidential and you may also choose to remain anonymous. All the information you give to me will be held securely on my personal laptop, and not disclosed to anyone else. If you experience any discomfort at any point in this process, we will stop the interview or resume another time. You may also choose not answer any question if you do not want to.

If you have any questions during or afterwards about this research, feel free to contact me on the details listed below. This study will be written up as a research report , which will be submitted to the University as part of my degree requirements.

If you have any concerns or complaints regarding the ethical procedures of this study, you are welcome to contact the University Human Research Ethics Committee (Non-Medical), telephone +27(0) 11 717 1408, email hrec-medical.researchoffice@wits.ac.za

Yours sincerely,

Ms Lusanda Madikizela
Researcher
Tel: 082 937 9019
Email: 9511571m@students.wits.ac.za

Supervisor: Professor Sarah Charlton
Email: sarah.charlton@wits.ac.za

PARTICIPANT CONSENT FORM FOR AN INTERVIEW

Title of project
An assessment of the effectiveness of citizen participation in Project Planning and Implementation for national projects: The case of the Gauteng Freeway Improvement Project (GFIP) in Gauteng

Name of researcher: Lusanda Madikizela

I, ……., agree to participate in this research project. The research has been explained to me and I understand what my participation will involve. I agree to the following:

(Please circle the relevant options below).

I agree that my participation will remain anonymous	YES	NO
I agree that the researcher may use anonymous quotes in his / her research report	YES	NO
I agree that the interview may be audio recorded	YES	NO
I agree that the information I provide may be used anonymously after this project has ended, for academic purposes	YES	NO

…… (signature)
…… (name of participant)
…… (date)

INTERVIEW GUIDE AND QUESTIONS

SANRAL

1. What were the motives and rationale for the introduction of the e-tolling (GFIP) project?
2. Were the any external stakeholders (external to Sanral and the Department of Transport) that were involved in the project development process, prior to Cabinet approval? How were they identified?
3. If yes to the above, please identify them and outline what their roles were
4. How did they participate?
5. How did Sanral develop the e-toll (GFIP) project? Please outline the process from project conceptualization and approval to implementation
6. This approach you have just described, is it similar to all other infrastructure projects that Sanral had implemented before?
7. On the role of the municipality in GFIP? What was the expectation, particularly in relation to the public?
8. What was the reason for splitting the notices into 6 different sections?
9. On the inputs received? How did you respond? Did you write to each person individually?
10. What happened to the SABOA submission? Was it responded to?
11. After the toll declaration process was concluded, did Sanral have a communication plan for GFIP? How was it implemented?
12. Since the experience with GFIP, has Sanral changed anything about its approach to project implementation and participation?
13. Since project implementation, how has Sanral sought to obtain political and public support for the e-tolling project?
14. Has this been successful in your view?
15. What has been the role of national government, particularly the Department of Transport in this process?

DEPARTMENT OF TRANSPORT

1. What was the rationale for the establishment of the Roads Agency, what would the agency do better than the Department?
2. What were the motives and rationale for the introduction of the e-tolling (GFIP) project?
3. In the 2007 Cabinet submission, what was the input on the section on consultation?
4. What was the role of the Department of Transport in the GFIP project? On consultation, what role did the department play?and…
5. How did the role of the department enhance or complement the process that Sanral was embarking on?
6. What was the public consultation approach or process that the department used for national roads planning and development, before the establishment of Sanral?
7. From the perspective of government and the shareholder department, what has been/ was done to obtain political and public support for the GFIP project?
8. Has this been successful, in your view?

PLAGIARISM DECLARATION

Faculty of Engineering and the Built Environment

Private Bag 3, Wits 2050, South Africa * Telephone (011) 717 – 7007 * Fax: (011) 717 7009 * Email: febe.pg@wits.ac.za

PLAGIARISM DECLARATION TO BE SIGNED BY ALL HIGHER DEGREE STUDENTS

SENATE PLAGIARISM POLICY: APPENDIX ONE

I Lusanda Madikizela (Student number: 9511571m) am a student registered for the degree of MUS: Urban Management in the academic year 2020.

I hereby declare the following:

- I am aware that plagiarism (the use of someone else's work without their permission and/or without acknowledging the original source) is wrong.
- I confirm that the work submitted for assessment for the above degree is my own unaided work except where I have explicitly indicated otherwise.
- I have followed the required conventions in referencing the thoughts and ideas of others.
- I understand that the University of the Witwatersrand may take disciplinary action against me if there is a belief that this in not my own unaided work or that I have failed to acknowledge the source of the ideas or words in my writing.

Signature: _____ Date: 26 February 2021