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PUBLIC PARTICIPATION IN BACKYARD RENTAL POLICY IN ORLANDO EAST

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A research report submitted in partial fulfilment of the requirements for the degree of Master of Management, in the field of Public Policy Management, Faculty of Management, University of the Witwatersrand, Johannesburg, South Africa.

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Abstract

The main objective of this research was to explore the meaning of public participation as understood within the context of Orlando East backyard renewal pilot project. From the inception of the policy process several pledges have been made by the MEC for Housing and subsequently Premier Shilowa to involve the intended beneficiaries, both tenants and landlords, in the roll out of the new backyard dwellings in the pilot project and the province at large, with partial or no fulfilment. The community-based structure that is, the PSC was constituted to facilitate public participation in this policy process. It is against this background that, the researcher saw the need to reflect on whether the PSC has created enabling environment in which ordinary people particularly beneficiaries can participate.

The overall finding in the study reveals that the effectiveness and ability of the PSC to manage the policy process in terms of ensuring that popular participation prevails in the policy process was very limited. This is because majority of the intended beneficiaries have been left out of the policy process, hence their despondency towards the policy process. Furthermore the perceptions from the respondents about why this policy process constantly stalled have been told from many different angles, each with varying degrees of validity.

Actually the respondents interviewed in the study had varying perspectives with one party blaming another party for lack of progress. Nonetheless, the varying perspectives offer some explanations notably, that says public participation as a principle to advance participatory governance is inherently contestable and extremely elusive concept. Even though policy stagnation in the pilot project cannot be ascribed to a single factor, but, for the realisation of this policy objective requires among other things leadership ready and capable to manage the policy process. The failure to provide leadership by the PSC stands in glaring contrast to the eagerness with which some beneficiaries have shown in their various encounter with researcher.

Clearly, the policy process under review demonstrated that no initiative regardless of well intentioned would succeed if it is does not create a sense ownership particularly among the intended beneficiaries. The findings in the research highlight a link between policy ownership and project acceptance. Put simply, a sense of policy ownership of the policy process by the beneficiaries matters a lot because it directly affected project acceptance. Many policy development lessons as this one have shown that people must feel to be part of decision-making especially that affect their lives and most effective policies are those that based on popular participation in the policy process.

Declaration

I declare that this research report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of the master in Public Development Management in the University of Witwatersrand, Johannesburg. It is has not been submitted before in any other university.

Signed: _____

Date: _____

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ABBREVIATIONS

APF–Anti Privatisation Forum

ANC- African National Congress

BBBEE –Broad based Black Economic Empowerment

BLAs- Black Local Authorities

BNG- Breaking New Ground

BRT- Bus Rapid Transit

CoJ –City of Johannesburg

CLO- Community Development Officer

CDWs–Community Development Workers

DA- Democratic Alliance

DPSA- Department of Public Service and Administration

GDoH –Gauteng Department of Housing

IDASA- Independent democratic organization in South Africa

IFP- Inkatha freedom Party

IDP-Integrated development planning

MPCC- Multi Purpose Community Centre

MEC- Member of Executive Council

NURCHA- National Urban Reconstruction and Housing Agency

NHBRC- National Homebuilders Registration Council.

OBD- Orlando Backroom Dwellers

PSC- Project Steering Committee

SDCO- Senior Development Communication Officer

Soweto - South Western Townships

SCA- Supreme Court of Appeal

20PTP - Twenty Priority Township Programme

UDF- United Democratic Front

CHAPTER ONE

INTRODUCTION

On the 21 of March 2005, Gauteng MEC for Housing Ms Nomvula Mokonyane launched a pilot project[1] for upgrading and formalisation of backyard rental in Orlando East with the message that public needed to participate in the implementation process. Speaking at the launch, held in Orlando East, Mokonyane said "….We want our people to take ownership of these developments-but in order to ensure long-term sustainability of these interventions; we also want them to be our partners in a People's Contract[2]" (Dlamini, 2006:5). With the People's Contract, Gauteng Provincial Government committed itself to work in partnership with the people to create job and fight poverty.

The pilot project was announced as part of Gauteng's flagship Urban Renewal Programme targeting previously marginalised twenty old established townships otherwise known as 20PTP[3]. "The pilot is in line with Government's drive to eradicate informal settlements by 2014. It differs from other subsidised housing projects as there is no policy governing it" (*Thubelisha,* 2005/2006). Mokonyane told the audience who attended the project launch that "the renewal of backyard rental emerged as one of the urgent prioritised policy choice for Gauteng in the financial year 2005-2006.According Mokonyane Orlando East was identified as a pilot project site to address the housing

[1] A pilot project refers to an initial roll out of a system into production to test whether the system is working or not

[2] Programme Of Action for 2003...the government committed itself to foster social compact with communities and civil society in the eradication of poverty-retrieved 20 March 2006 from: http://www.info.gov.za/aboutgovt/poa/feb03.pdf

[3] Effort by the government to upgrade infrastructure and improve the quality of life of people in historically black townships. The Top Twenty Townships are Atteridgeville, Boipatong, Bophelong, Daveyton, Duduza, Kagiso, Khutsong, Katlehong, Kwa-Thema, Mamelodi, Mohlakeng, Munsieville, Ratanda, Refilwe, Rethabiseng, Saulsville, Sebokeng, Sharpeville, Soshanguve, Soweto, Tembisa, Tsakane, and Wattville.

backlog and also help to eradicate informal backyard shacks in the area by constructing 750 backyard-housing units at the cost of 17 million over the period of two years.
In terms of GDoH s' Performance Plan (2005-2006) eradication of informal settlements is a comprehensive plan and it entails the formalisation and upgrading of all informal settlements in Gauteng. More so the plan entails provision of housing opportunities to communities that were renting in backroom shacks and above all it was meant to facilitate rental agreements between landlords and tenants. Speaking at launch, Mokonyane proclaimed that "...families who had been renting backyard shacks while on the housing waiting list since 1996 were the main beneficiaries" (Monyane, 2005:2).

Basically the pilot project as conceived by Gauteng was aimed to rejuvenate the 20PTP through the eradication of informal backyard dwellings, provision of basic infrastructure and upgrade the living conditions of the backyard dwellers (Performance Plan (2005-2006). As already mentioned, the pilot project is an integral part of the ambitious 20PTP, a multi-million plan to rehabilitate Gauteng's old townships which include housing backyard dwellers in these areas. More importantly, the pilot project was to serve as a model for the renewal of backyard shelters in the province and the country as a whole.

According to Monyane (2005:2), "when the upgrading programme unfolds it will, among other things**,** provide alternative housing solutions to backyard tenants, provide affordable rental accommodation to those that cannot afford market related rentals, assist in formalisation of rental agreements between the landlords and tenants, and where possible, eradicate backyard shacks". By and large, Gauteng has embraced national efforts to foster public participation in the eradication of all informal settlements by 2014.

Part of government service delivery commitment in this regard is to ensure good governance by continued response and adherence to the principles of accountability, consultation and transparency (Nembambula, 2004-2009).Like in most typical liberal democracies the commitment to public participation is codified and enshrined in various legislative frameworks notably: The National Housing Act, (Act No. 50 of 1997) as Amended, Rental Housing (Act No.50of 1999), The National Housing Code, Gauteng

Housing Act of 1998, *Batho Pele* Principles, Public Finance Management Act of 1999 as Amended and so forth. Therefore authorities across the three spheres of governance are obligated by law to involve all citizens regardless of their race, gender, class and geographical origin in the processes of decision-making. For example, according to Chapter 7 of the Constitution (Act 108 of 1996) all local authorities without exception are required by law to involve communities in the process of decision-making.

In April 2005 GDoH had set in motion a parallel policy process for the formulation of backyard rental policy to serve as regulatory framework for the backroom renewal as the latter was missing. During 2005-2006 budget speech, Mokonyane once again reiterated Gauteng's commitment to the principle of public participation in the roll out of backroom shelters. It is widely accepted that lack of public participation in decision-making undermines trust and confidence in public institutions and democracy broadly. The involvement of people in decision-making is in a way an attempt to restore public confidence to these institutions. Therefore it was important to investigate the extent to which the government has succeeded or failed in carrying out this policy objective.

1.1. Problem Statement

Since the advent of democracy in 1994, South Africa has undergone significant political reforms as dictated by the democratic constitution. Most importantly, these far-reaching reforms have put an obligation on the newly elected democratic government to actively involve the citizens in the processes of decision-making. Hence the call for public participation in public policy development resonates and has become a common refrain heard since the dawn of democratic dispensation in South Africa. From the onset of the pilot project, Orlando East residents were encouraged to participate in the implementation process; hence the researcher pondered how was this message being understood by various role-players involved particularly the policy benefactors and beneficiaries. Under democracy involvement of to the government involvement of citizens in decision-making remains a core priority.

Yet critics believed in many respects the implementation process fell in short especially at the local sphere of governance. For example, in spite of this pronounced commitment to public participation, in 2005 Gauteng experienced a surge in violent service delivery protests particularly related to alleged lack of public participation in decision-making, Orlando East included. According to GDoH's Performance Plan (2005-2006) ten policies were planned for completion by the end of that financial year, but only two policies got approved due to delays attributed to among other things contestations around public participation in policy-making process. Important policies delayed included among others namely, allocation of low cost housing, hostel redevelopment and farm worker housing policy.

The contestation about public participation in most policymaking processes is often multi-dimensional which include among other things, institutional framework for implementation, hence this research investigated. According to Brynard (1996:17), "the dilemma with regard to public participation is how much participation should be allowed and at what level". In reality public participation proves to be easier said than done. Hence the researcher was curious to know the extent to which this commitment for public participation has been conscientiously observed, implemented and how it filtered down to the grassroots level. Sceptics believe that a preponderant pronouncement about commitment to public participation in the democratic South Africa does not often translate into reality.

By all means, public participation even though it is often taken-for-granted, it is however a complex concept; hence it is inherently broad, value-laden and often understood differently by different policy actors. Letsoalo (1997:5-6) states that "….this ideology of community participation is devoid of a shred of meaning and a common methodology." According to Letsoalo (1997) community participation has different meanings to different people; hence it is both a means and an element of policy development. An assumption within the realms of public policy is that people need to be afforded a space to participate in policy process in order to deepen their sense of ownership of the policy outcomes. At the same time there is an acknowledgment that to actualise this ideal is a

complex mission that requires a genuine commitment often lacking in many policymaking circles. The researcher became interested to find out how various policy actors (both beneficiaries and benefactors) in the context of backyard rental policy process understand the notion public participation. Accordingly, the researcher became curious as to what effects will the raging contestations about public participation in the pilot project may have on the policy outcomes.

The implementation of the pilot project fell under jurisdiction of the CoJ which also committed itself to uphold public participation in the pilot project. During the implementation process CoJ was expected to operate in a manner that is seen to be promoting, defending and affirming the principle of public participation as prescribed in the Constitution of 1996 of the Republic of South Africa. In most policymaking process public participation is loosely defined and this often creates policy disputes. Since the launch of the pilot project in March 2007 there have been contestations in terms of whether the policy process was participatory or not.

1.2. Rationale for the Study

The study explored public participation as understood within the context of policy implementation process by treating Orlando East backyard upgrading pilot project as a case study. The study has undertaken an in-depth look at the policy implementation process focused specifically at the contestations among policy actors, identified challenges for public participation and explored possible solutions thereof. By the same token, the study tried to document the developments in the pilot project: to explain what happened, the reasons why it happened and recommend possible solutions thereafter.

The researcher tried to give a rational account for public participation as understood within the pilot project. The choice of this research topic was necessitated by the contestations that characterised implementation of the pilot project. Furthermore, the researcher chose this topic because of the curiosity that was raised in him when he was still working for Gauteng Provincial Government. During his tenure at Gauteng

Government, the researcher witnessed frequent and inconclusive conceptual debates about the notion public participation mainly between government officials and various recipient communities in Gauteng. The contestations often resulted in violent protests which disrupt service delivery particularly those related to housing. For instance, hundreds of residents protested outside the GDoH's offices in Johannesburg in June 2005. The enraged demonstrators from various informal settlements in Gauteng backyard dwellers from Orlando East included said they wanted the government to provide them with low-cost houses and that they were "fed-up with empty promises" made by the GDoH. When thought it was enough, another march was organised by both the OBD and IFP to the MPCC in Orlando East protesting about among other things, alleged poor quality of the newly constructed backrooms, allegations of corruption and nepotism in the policy process.

More so the protestors accused the GDoH of flagrant disregard for their participation in the decision-making processes in service delivery. This is despite a pronounced commitment by the government that the pilot project was premised on public participation. Conversely the government disputed the accusations by the protesters that there was lack of popular involvement in the pilot project. It is clear from many studies contacted on public participation that people have different understandings about what public participation is all about. Nonetheless, some researchers suggest that it is precisely the complexity of this concept "public participation" and its depth that warrants it to be understood. So the researcher tried to find out how the various policy actors in the backyard policy process understood it to be in the context of the pilot project and their expectations thereof.

More specifically the researcher became more curious to know the views that the policy end-users at local level had on the issue of public participation. This was including their feelings towards the matter since a lot of literature on public participation suggests that the latter is too broad and often understood differently by various policy actors. Furthermore, the researcher was keen to know how then did policymakers carried out the policy implementation in the midst of perceived different understandings. The researcher

hoped that would help in identifying possible solutions that can assist to narrow the misunderstandings, should it be found that there was a lack of common understanding in the pilot project. The study was intended to better understand the challenges that may arise regarding public participation in the pilot project. Arguably, the pressure to implement public policy has propensity to pay a very little attention on sourcing out the opinions of the public particularly the end-users of the policy product in terms of their understanding of public participation. The study could be used as a frame of reference for further study should there be interest in the similar topic in the future,

1.3. Purpose Statement

1.3.1. Primary Aim

Broadly, the study was aimed at finding out how the notion public participation is understood by various policy actors within the context of Orlando East backyard rental policy process.

1.3.2. Specific Objectives

In order to realise the primary aim, the following objectives were formulated for this study:

- **a.** To find out who are policy actors in the backyard rental policy process under review.
- **b.** To determine the views that these policy actors attach to the notion public participation.
- **c.** To identify their expectations regarding the backyard rental policy process.
- **d.** To explore possible interventions to overcome the identified impediments.

1.4. Research Questions

The study seeks to explore the following thematic questions:

- **i.** Who are the policy actors in Orlando East backyard rental policy process?

ii. How do these policy actors in the policy process understand the notion public participation?

iii. What is the level of public participation by different policy actors in this policy process?

iv. What feasible measures may be used to encourage public participation in the policy process?

1.5. Research Site: Orlando East

The research site is Orlando East where the pilot project for upgrading and formalisation of backyard rental was undertaken. The focus of the study was to explore public participation in policy implementation process and as such it required perceptions of policy actors involved and those affected. The research was effectively carried out from January 2007 to November 2008. The research sample in the study was drawn from policy actors involved and those affected in the policy process. A data in the study was generated from official government documentation, direct observation to project activities, views and perceptions generated during interviews with research sample. Although the pilot project is a small-scale endeavour, its outcome holds a key for the rolling out of similar projects in the Gauteng and perhaps even the country at large.

1.6. Research Outline

This research report consists of five chapters summarized hereunder.

Chapter One: Introduction

This chapter briefly provides background of the study. The statement of the problem, rationale and purpose for the study are also featured. The research site is briefly introduced.

Chapter Two: Literature Review

This chapter briefly outlines the literature review concerning the topic under study. It provides a brief explanation on the concepts that are associated with public participation. It reflects how this research fits into the larger academic project, giving different

perspectives by various authors on the same area of study and different school of thought on public participation.

Chapter Three: Methodology

In chapter three the research design that was used is explored in detail. The aims and objectives of the research are outlined in this chapter. Furthermore, the research design, sampling procedures and research tools are explained. The strengths and weaknesses of the research design are mentioned. Moreover, an analysis of data, validity and reliability are explained. Included is the discussion on the general limitations and ethical considerations of the study.

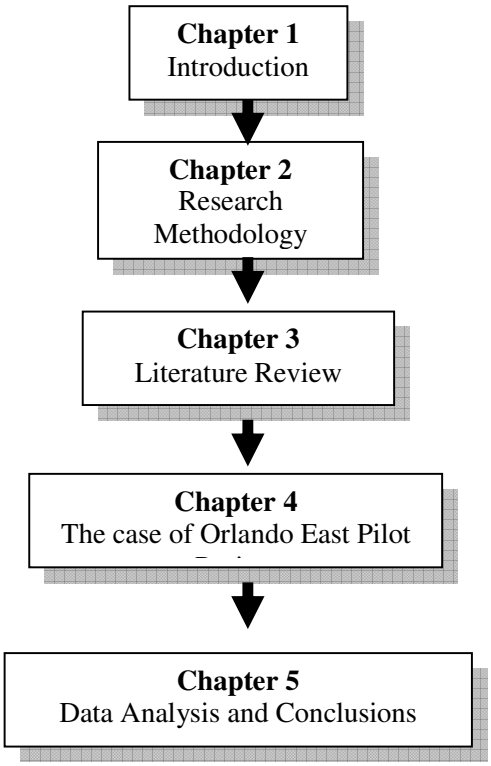
Chapter Four: The case of Orlando East Pilot Project

A discussion on the findings of the study is presented. Thus this chapter presents the main research findings regarding the research topic that are cross-examined in the subsequent chapter using the conceptual framework outlined in chapter two.

Chapter Five: Data Analysis and Conclusion

This chapter analyse the findings of the study and accordingly recommends some possible solutions that may be considered to facilitate effective public participation in the pilot project. It also provides concluding statements based on the research findings.

Figure 1: Schematic layout of Chapters



CHAPTER TWO

LITERATURE REVIEW

This chapter presents an overview of the literature review on the concept public participation as understood from different perspectives. The literature sets out the conceptual framework within which this research is situated. The chapter also discuss some thematic concepts and theoretical issues underpinning the notion of public participation. Some practical examples of public participation experimentation in the contemporary South African policymaking discourse are cited in detail in this chapter.

The chapter starts by providing a broad historical context of the case study namely, Orlando East. Apart from strengthening the discussion and the data analysis, the literature review also play an important role in enabling better understanding of the critical issues and inputs that were offered by respondents during the course of the research. Finally, the study reflects the ongoing Gauteng Province experiences on the concept public participation.

2.1. Broad Historical Context: Orlando East

Orlando East is located in south-eastern part of the central business district of Johannesburg, the economic hub of Gauteng. It is one of the sprawling, densely populated settlements of formal and informal dwellings in Soweto[4] Township (Thale, 2003). By virtue of being an integral part of Soweto, means Orlando East is a product of apartheid segregationist spatial planning-"to house mainly black labourers, who worked in mines and other industries in the city, away from the city centre" (ibid). Soweto in general has since its inception been characterised by numerous problems namely, poor housing, overcrowding, acute unemployment, poor infrastructure and so forth. "This has seen settlements of shacks made of corrugated iron sheets becoming part of the Soweto

[4] The acronym Soweto was adopted as the official name in 1963 following a four-year public competition on an appropriate name for this sprawling township

landscape" (ibid). More importantly, Soweto particularly Orlando (East and West) is well known because it has been "…. hotbed of many political campaigns that took place in the country, the most memorable of which was the 1976 students uprising" (ibid). In addition, other politically volatile campaigns to have germinated in Soweto includes *inter alia* the squatter movement of the notably *Sofa sonke* [5] in Orlando East and the defiance campaign of the mid-to-the late 1980s spearheaded by UDF[6] (French, 2002).Historically, Orlando East was part and parcel of the defunct BLAs. The BLAs were exclusively urban black local authorities proclaimed under the 1983 Constitution and were jurisdictionally fragmented along racial lines. That is to say, each racial group as decreed in apartheid statutes had their own separate local authorities meaning Africans had their own local authorities, so as other racial groups namely; coloureds, Indians and whites had their own.

The BLAs were imposed upon the people and more so they were acutely incapacitated to carry out effective and efficient service delivery to their constituencies. Hence, their legitimacy was heavily contested by community-based groups such as *Sofa sonke* in Orlando East. The UDF-inspired street committees in 1980s orchestrated spiral of rent boycott whereby they mobilised the frustrated township residents to embark on a rent boycotts to protest the BLAs allegedly flawed municipal rents and more importantly to contest the legitimacy of BLAs (French, 2002). It is argued that, the backyard pilot project is facing more or less the same kind of protests that were last seen during anti-apartheid struggle. The concerned groups within Orlando East contested legitimacy of the policy process that was seen to have been imposed.

With the advent of democracy in 1994 historically segregated settlements around Johannesburg that include Orlando East were integrated to form one municipal authority namely the CoJ Metro Council (Dlamini, 2005, 33). Orlando East constitutes part of Region 10 under the CoJ area of jurisdiction with an approximately formal stands of about 3042 (ibid). In terms of The Municipal Structures Act (1998) CoJ is classified

[5] Zulu word literally meaning "will die together"-community-based anti-eviction/squatter movement formed by James *Sofa sonke* Mpanza affectionately called the Father of Soweto
[6]UDF- was formed in August 20 1983 to resist constitutional and Koornhof Bills.

under Category A[7]. Basically CoJ is one of the three main metropolitan councils (others: Tshwane and Ekurhuleni) found in Gauteng. Orlando East encompasses the three proclaimed municipal wards which are covered in the pilot project. The area is characteristically an urban low-income community and one of the oldest and earliest sections of Soweto with highest concentration of backyard shacks. Dlamini (2005:4) posits that, "because of the influx of immigrants and a shortage of housing, there is an estimated 35 717 families living in backyard shacks and about 97121 families living in backyard rooms in Joburg."

Orlando East has its fair share of the backyard dwellings within CoJ, hence it was appropriately identified as the first pilot project site. As a matter of fact, Orlando East is one of many areas in CoJ where housing is needed as matter of urgency. In some instances, there are densities of 15 backyard shacks in one household (PSC Report, January 2007). The area is inhabited by most of Gauteng's urban poor mostly pensioners and the unemployed. Letsoalo (1997:33) argues that, "in most urban low–income communities, the only persons who can participate in community development issues are businessmen, shopkeepers, and landlords who do not have to worry all day about how to earn an income".

Gauteng across the two spheres of governance (provincial and local) is required by the law to provide decent and adequate shelter to every citizen. For instance, Section 26 (1) and (2) of the constitution stipulates that, "everyone has the right to have access to adequate housing. The state must take reasonable legislative and other measures within its available resources, to achieve the progressive realisation of this right." Noting this constitutional obligation, in 2004 Gauteng through GDoH in particular unveiled a plan to formalise informal settlements by 2009 and eradication by 2014 thereof. The plan called for partnerships across all the spheres of governance (i.e. local and provincial) and all sectors of society to work together in People's Contract to realize the set objectives (Five-

7 Category A are Metropolitan Councils as determined by The Municipal Structure Act-they have exclusive legislative and executive authority within their area for jurisdiction

Year Strategic Programme 2004-2009). Therefore this research was meant to investigate the implementation of public participation mandate in this regard.

2.2. Backyard Rental in Context

Gauteng particularly CoJ continues to experience the rapid increase of migration from local citizens and those from other parts of the world particularly from African continent. This people migrate into Gauteng in search of economic and social opportunities provided by cities (Cities Network, August: 2003). The influx of people into Gauteng has led to the proliferation of backyard dwellings in the province as alternative form of housing for the poor.

Crankshaw (in Colebatch,1998: 13) mentions "back yard shacks have their origin in the housing shortages of the 1980s, with pressure to rent out back yard space…20% of all Soweto residents lived in back yard shacks." In South Africa, backyard shacks, are a "common eyesore" in black townships particularly in and around the major metros notably: Johannesburg, Erkhurleni, Tshwane and so forth.

The findings of the study commissioned by GDoH in 2004 reveals that the backyard rental market is predominantly made up of women, pensioners, the unemployed or informally employed and using backyard rental as income generating activity (Backyard Rental Policy Draft, 2005). Moreover, this rental market is unregulated and inherently characterized by an adversarial relationship between the landlords and tenants, hence the need for policy interventions as recognised by Gauteng in the 2005-2006 financial years (ibid).

According to Gardener (2005) as validated by Census 1996 11, 5 million people living in the informal rental housing in South Africa include those living in backyard rooms both formal brick built and informal shack/corrugated iron. However, the accurate statistics relating specifically to Gauteng are as yet unavailable at the time of undertaking this study. Within this rental market, tenants and landlords share basic facilities such as

water, sanitation and electricity. Backyard rental is a relative concept understood differently by different people. In the context of Gauteng backyard rental is used as a generic term referring to a wide range of "informal housing", in the backyard of formal township houses-extension of apartheid built four rooms or establishment of shack or roomed behind the four rooms, hence the operating word backyard (Five Year Strategic Plan: 2004-2009). According to study conducted by NURCHA,[8] most backyards are alternative forms of dwellings for migrant labour that do not prefer communal dwellings in the form of single sex hostels (Gardener, 2005). Sometimes it is an arrangement within a particular family due to growth in terms of the size of the family and so forth. But the common denominator of access to backyard dwelling is underpinned by an informal agreement between landlords and tenants, hence an attempt by GDoH to regularise through the formulation of backyard rental policy.

More importantly, they are unplanned and unauthorized form of rental component that emerged during apartheid system. There is no uniform entry fee and also standard rent for backyard rental. Landlord unilaterally determines a rental. On the whole, "backyard' has become a fairly ubiquitous, but undifferentiated concept, which in many ways does not account sufficiently for the diverse nature of this form of dwellings particularly their physical manifestations"(Gardner, 2005). The study has however, noted lack of adequate differentiation and classification of backyard rental as used in the official government documentation.

The CoJ has unveiled a five-year strategy known as "The Housing Master Plan" to deal with the housing backlog within its jurisdiction. Eradication of informal settlements

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[8]NURCHA-established as an RDP Presidential Lead Project in 1995 by agreement between the South African Government and the Open Society Institute of New York to help release finance for low cost housing from financial institutions. Nurcha's mission is to expedite housing delivery in the short to medium term for low-income households

which include backyard dwellings featured prominently. Dlamini (2005) states that the aim of the plan is "…. to create sustainable, affordable and safe housing opportunities for the city's indigent and homeless by 2009." That's why, the issue of eradication of informal settlements and backyard shacks with Orlando East pilot project as stepping stone featured prominently in the CoJ Executive Mayor Amos Masondo's six priorities list. During his budget speech on the 24 of May 2006, the Executive Mayor announced his priorities for the new term of office with backyard shacks and informal settlements featured under priority (3 and 5): Housing and Services (The CoJ Mayoral Priorities, 2005).More importantly, the Executive Mayor committed the CoJ to the process of public participation in the pilot project.

2.3. Legislative Frameworks

For comprehensive understanding of public participation in the study it is of utmost imperative to reflect a broad overview of the legislative framework which sets out the defining context for the backyard pilot project. These legislative frameworks exist in addition to the Constitution. The backyard rental pilot project, like all policy process, is subject to these laws and also need uphold the spirit if not principles constitution.

To start with, the new democratic South Africa is emerging out of a troubled past. For the first time in the history of South Africa every citizen enjoys or is guaranteed of fundamental human rights prescribed and codified in the supreme law of the country, the Constitution of 1996 of the Republic of South Africa. These rights include a right to be involved in decision-making. The government has developed various legislative frameworks to ensure that the South African public enjoys these fundamental rights. These rights are enshrined in chapter two of the constitution and all underpinning legislative frameworks. For example, The Bill of Rights, Chapter Two Section 7 (1) and (2) of the Constitution states that:

i. This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and

affirms the democratic values of human dignity, equality and freedom.

ii. The state must respect, protect, promote and fulfil the rights in the Bill of Rights.

Thus the Bill of Rights entitles everyone with the right to freely participate in decision making that affect his or her life. In Chapter 7 of the Constitution (Act 108 of 1996) obligate local government to involve communities in local development matters. Whereas in the White Paper on Local Government (1998) that the role of local government is to build local democracy. Therefore in post apartheid South Africa, public participation is not an option but legal obligation. This point has been widely acknowledged by key policymakers notably, by the MEC Mokonyane and the Premier Shilowa during the initiation phase of backyard rental pilot project in Orlando East.

As pointed out in chapter one, the pilot project was handed over to the CoJ for implementation. CoJ and GDoH have entered into partnership to formalize the informal settlements, upgrade hostels and backyard shacks and to identify a suitable land for housing development. Chapter 3 of the constitution emphasizes the notion of co-operative governance. According to this provision section (41{1(g)}) of chapter three "all spheres of government and all organs of state within each sphere must-exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere" and "co-operate with one another in mutual trust and good faith." Whereas Section 151(1) provides that "the local sphere of government consists of Municipalities, which must be established for the whole of the territory of the Republic."

The White Paper on Local Government (RSA, 1998:33) recognizes the local government sphere as primarily developmental in the sense of being "committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs, and improve the quality of their lives". Often these approaches for coordinated intergovernmental relations and public participation arise and

manifest themselves in the formulation of an IDP and the adoption of local economic development measures. In order to assist local governments to meet developmental requirements and speed up service delivery to the poor, extensive resources acquisition in terms of funding, human resources, appropriate institutions, and most importantly, the adoption of key and enabling legislative measures become essential, case in point: The Municipal Demarcation Act, The Municipal Structures Act and The Municipal Systems Act. Section 152 of the Constitution (Act 108 of 1996) as well as Chapter 4 Section 152(1e) of the Municipal System Act (Act no 32 of 2000) requires municipalities to develop a culture of governance that complements both representative government and participatory governance. Municipal structures such as ward committees are obliged to create enabling environment for local communities to participate in all affairs of the municipalities be it service delivery and so forth.

As sets out in the Five Year Strategic Programme (2004-2009), Gauteng is committed to contribute to the national efforts to deepen citizenship and democracy. To achieve the aforesaid strategic programme, Gauteng has undertaken to uphold a democratic practice which includes among other things:

i. to listen to and communicate with the people and work together with them in the People's Contract to make Gauteng an even better place to live in,

ii. a strong commitment to *Batho Pele* and service excellence and

iii. harnessing appropriate technology to ensure economic development, improved service delivery and communication with the people (ibid).

Basically Gauteng strategic vision affirms the goals of the macro-housing plan namely、

BNG-a comprehensive plan for the development of sustainable human settlements adopted by the national department of housing. For instance, one of the Five Pillars of the BNG (2004: 14) is: mainstreaming the participatory development paradigm:

> [E]specially as a result of the recognition of the formalisation of and upgrading of informal settlements will present great challenges given the composite nature of consultations required with various community-based organisations, and individual beneficiaries, to ensure that we take into consideration the various needs, circumstances and requirements of our people.

The Fifth CoJ Mayoral Priority "encompasses good governance, spatial integration, urban management and an accessible, safe and affordable transport system." CoJ has put in place various programmes in order to actualise this priority. For instance, in terms of good governance CoJ has committed itself to create public participation in the formulation, adoption and implementation of its programmes.

At the end of the day, CoJ is obligated to promote public participation a basic tenet for good governance underpinned by transparency, accountability and participatory decision-making in the implementation of the pilot project. Perhaps it is for this reason that the CoJ and GDoH have undertaken to promote public participation in the implementation of backyard rental in Orlando East. Accordingly, both the GDoH and CoJ have emphatically committed themselves to uphold public participation in the renewal of backyards in Orlando East.

Public participation also finds resonance in the RDP (1994:15) as one of the "core objectives in meeting the basic needs and improving the people's socio-economic situation is a commitment to grassroots, bottom up development which is owned and driven by communities and their representative organisations." In summing up, this section it suffices to mention that the ongoing Orlando East pilot project should be seen within a broader context of the key legislative requirements and provincial priorities alluded to. Basically, all the foregoing legislative frameworks stress that involvement of the people in affairs of governance is not optional but rather obligatory; meaning is not something that government can choose not to do.

2.4. Definition of Concepts

This section will discuss public participation and its underlying theories looking at how is being executed in South Africa and where necessary provides relevant practical examples.

2.4.1. Public Participation

A decade after democratic epoch, the contestations about the definition of and modalities for public participation in South Africa still rages on. Some policy analysts perceive disjuncture between policy intention and implementation within the public discourse especially when it comes to public participation. Nonetheless, the increasing emphasis for public participation as crucial aspect in policymaking and broader democratisation process provides an opportunity to redefine public participation within the unfolding policy making discourse in Gauteng and the country at large.

A widely held belief is that public participation holds immense potential for obtaining much more effective results in policymaking process. Kliksberg (1995**:**43) mentions that**,** " ….gaining popularity is the idea that allowing the poor rural and urban communities to participate in the formulation of solutions raises the prospect that many fundamental problems related to human development can be redressed in ways that are different from traditional ways." Apparently, the concept public participation has become one of the "fancy catchphrases" in government policymaking circles not only in South Africa but also internationally. Hence, there is a considerable amount of interests on public participation in most liberal democratic societies South Africa included, hence the increased publications about this subject. In South Africa the word public participation is being thrown around as if we all know what it entails, the backyard pilot project is a case in point.

Typically, public participation is an often loosely defined concept. Yap (1987: 56) argues that, "whenever low-income housing projects fail to produce the desired results, the failure is attributed to lack of community participation."Letsoalo (1997:18) concurs that "if people are expected to provide labour for construction of their houses, they must also have a say in the planning and design of their houses and the neighbourhood. According to Letsoalo (1997) public participation is the involvement of the community in the planning and decision making rather than merely contributing labour.

Presenting a paper during Democracy Development Programme and Centre for Public Participation and Fair Share workshop, Manyathi (2007), "…spoke at length about human rights and legislation, from the Constitution to local government legislation. …. he emphasised the importance of good governance and the principles of democracy such as government's accountability and public participation." According to Manyathi (2007) "the true meaning of public participation and/or community engagement, explaining that it does not end with voting for one's preferred party only during the election but it meant active participation."

Sithole (2007) on the other hand articulated human rights perspective by elucidating the manner in which the rights of the citizens could be violated if the community is not allowed to participate fully in government decision-making. Sithole (2007) argues that "Whilst the acquisition of rights comes with citizenship, implementation and fulfilment of these rights pose far more significant challenges". Arnstein (1969: 216-224) states that, "many planners, architects, politicians, bosses, project leaders and power-holder still dress all variety of manipulations up as 'participation in the process', 'citizen consultation' and other shades of technobable." Now what is this public participation that is being widely spoken about? First of all, the concept "public participation" is riddled with terminological problems.

The existing literature shows that there are many different meanings attached to the notion public participation, hence it is important to explore operational definition for the research. Basically, public participation is an inherently nuanced concept with no self-

evident meaning. The subsequent sections will look in detail public participation as conceptualised from different angles starting with the individual words notably, public, participation, community and citizens as often used interchangeably as parts of an integrated whole in most literature.

To begin with the word "public" literally refers to the community of people or the people as a whole. Langton in Brynard (1996) says the word 'public' in public participation is inclusive referring to all the people whether or not they possess the rights and obligations of citizenship. Thus the word "public" in that sense is used as a generic term in reference to the citizens or people in a particular context. It is therefore an aggregate term because it does not make distinctions inherent among the people of particular community. However, according to Habermas (1989:13) "the notions what is "publics" can simply be defined as what is not-that is what is "private. Conversely, Benhabib argues that if the public sphere is to be open to any discussion that affects the population, there cannot be distinctions between "what is" and "what is not" discussed[9]. While Michal Warner on the other hand "made the observation that the idea of an inclusive public sphere makes the assumption that we are all the same without judgements about our fellows. He argues that we must achieve some sort of disembodied state in order to participate in a universal public sphere without being judged.[10]"

In her critique of Habermas' notion of public sphere, Nancy Fraser (1990) argues that, "there are no naturally given, a priori boundaries" between matures that are generally conceived as private, and ones typically label as public (.i.e. "common concern") As an example, she refers to the historic shift in the general conception of domestic violence, from previously being a matter of primarily private concern, to now generally being

[9] (p5 of 8)http://en.wikipedia.org/wiki/Public_sphere-Retrieved August,11,2009
[10] http://en.wikipedia.org/wiki/Public_sphere-Retrieved August/11/2009

accepted as a common one. Eventually, after sustained discursive contestation we succeeded in making it a common concern.[11]"

The word community on the other hand is used in broader reference to "a group of people with face-to-face contact, a sense of belonging together, and having common interests and values" (Development journal, January 1994). In the RDP White Paper (1994), the word community is considered to be people who are living in a delimited area, who identify themselves with that area and share an interest in its development as it is might be case with Orlando East. On a broader level people might constitute a community but this does not preclude inherent differences they may have (especially in South Africa) embedded by analytic categories namely age, aspirations, gender, ethnicity, race, ideology and the point recognised in Habermas' conception."Rather than arguing for an all inclusive public sphere, or the analysis of tension between public spheres, he suggested that publics were formed by active members of society around issues.[12]"

In the Oxford Dictionary, participation is defined as "the action or fact of partaking, having or forming a part of in this sense participation could be transitive or intransitive; moral, amoral or immoral; either forced or free; either manipulation." Basically, in the two operating words public and participation are connotatively loaded. They (public and participation) are combined here to make a somewhat relative term called public participation. In some literature, public participation is used interchangeably with citizen participation or community participation as equivalent terms. Public participation is often seen as broader concept, which may include citizen participation.

According to Brynard (1996), public participation can be defined as "the act of taking part in the formulation, implementation and evaluation of policies by interest groups through formal institutions." Whereas, community participation refers to "…..the process or planning approach which requires that the individuals must represent all affected or

[11] ibid
[12] ibid

interested community members, and must learn to think and negotiate collectively. It is a method of sharing information and knowledge within the power structure" (ibid).

In the study public participation is defined broadly to include both community and citizen participation. Broadly, public participation means a popular engagement of the citizenry especially the beneficiaries in processes of the policy development notably, initiation, formulation and implementation processes. According to Arnstein (1969:216-224) citizen participation is "a categorical term for citizen power… redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future.

RDP (1994: 7) assumes that "in order to sustain development, communities must own, support, and protect their development."This argument resonated in MEC for housing pronouncements. But a dilemma arises from a conflation of the two words, public and citizen. In a sense the two words "citizens" and "public" are somewhat mutually inclusive. But however they cannot be reduced to synonyms. For instance, in the policy process the word 'citizen' presupposes or forms the basis of the eligibility criteria (inclusion and exclusion) in terms of prescribing who must participate in the policy process, while the word 'public' is general an inclusive term, because it does not provide specific focus for determining eligibility for participation in the pilot project.

In other words public can be used in reference to people in general that is citizens and non-citizens. According to Habermas (1989) "an event qualifies to be called 'public' if it is open to all and inclusive in contrast to closed or exclusive affairs." But in the context of the backyard pilot project, 'public' is used in an exclusive reference to South African citizens who reside in Orlando East. As mentioned already, only citizens who reside in Orlando East permanently are eligible to participate in the pilot project, therefore the government affair here legally exclusionary affair as qualified by the law.

The overriding and implicit proposition in policymaking is with public participation "power is shared more equally by getting input in earlier planning stage, by forcing consideration of alternatives, or by continual monitoring and reviewing of plans" (Paul in Letsoalo, 1997:16).Paul's conception of public participation is embodied in Habermas (1989) s' notion of public sphere. In short, Habermas' public sphere is "discursive space in which individuals and groups congregate to discuss matters of mutual interest and, where possible, to reach common judgement". While according to Letsoalo (1997: 137) the ideal of public participation is predicated upon three main presumptions, firstly, "it is a means of deepening democracy; secondly, it increases the effectiveness of policy formulation and implementation, and enhances the legitimacy of any decisions taken and thirdly, it is essential to the success of the development process."

Therefore on the basis of the foregoing conceptualisation public participation presupposes popular policymaking process in which all citizens are actively involved in decisions that affect their livelihood. Some scholars perceive linkage or synergy between public participation and transparency. Presumably "…a well-developed strategies for public participation build trust, promote accountability, strengthen commitment of all stakeholders towards improved governance, and directly limit the potential for corruption" (Urban Governance Practices,2000).

However, "the level of public participation varies from simply sharing of information to active engagement of citizens in the implementation and management of projects and services" (ibid). According to Arnstein (1969:216-224), "… there is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process. The fundamental point is that public participation without redistribution of power is an empty and frustrating process for the powerless." The point being made here is effective public participation is therefore embedded within the power relations. For that matter, "tools to build different types of participation also range from stakeholder consultations and public hearings to community watchdog groups

and public-private partnerships" (ibid). By and large, public participation is both complex and contested process which can be used in different context, by different people for different purposes.

The literature on the subject of public participation still largely dominated by theories, concepts, interpretations and inevitable list of things that government ought to do to promote people's participation. For most researchers the wide variance in how people characterise public participation and describe its salient features is what matter most. Nonetheless, there is a similar implication encompassed in most the literature of public participation**.**

2.4.2. Public Policy

Similarly, the notion public policy is broad with no self-evident or fixed answers, given "…a lack of a consensus definition of the concept public policy" (Definition of Public Policy, 2005). Public policy is seen in some quarters as, "a course of action or inaction chosen by public authorities to address a given problem. Or interrelated set of problems"- a set of action guidelines or rules that results from the actions or lack of actions of governmental entities" (ibid).

De Coning's (2000:11) defines public policy as "… a formally articulated goal that the legislator intends pursuing with society or with a societal groups." While Hogwood and Gunn (in De Coning, 2000: 12) on the other hand conceptualise public policy as, "… a series of patterns of related decisions to which many circumstances and personal, group and organisational influences have contributed. Parsons (1995:2), posits that, "the starting point for a discussion of public policy must consider what we meant by the idea of 'public', and to account for the development of the concept in the theory and practice" According to De Coning (2000:4) it will suffice to describe public policy, "… as an abstract and frequently controversial idea that serves as a thinking tool to illustrate specific attributes of intangible phenomena"

Ultimately, the meaning of public policy depends on who defines it, how and why? Parsons (1995:3) claims that "…'public policy' has to do with those spheres which are so

designated as 'public', as opposed to a similar list we could make of expressions which involve the idea of 'private.' According to Habermas (1989), "private" designated the exclusion from the sphere of the state apparatus, for "public" referred to the state that in the meantime had developed, under absolutism into an entity having an objective existence over or against the person of the ruler." Furthermore, Parsons (1995:3) notes, "the idea for public policy presupposes that there is a sphere or domain of life which is not private or purely individual, but held in common." Public domain constitutes a dimension of human activity which is regarded as public implicitly requiring governmental or social intervention, or at least common action (ibid).

Defining public and private as dichotomies sounds too simplistic, but it is helpful theoretical tool in that it can assists in terms of exploring the definition and nuances underpinning public policy. On the same breadth, there is no universally accepted definition of the word policy (De Coning and Fick, 1995:18-21). There are multiple definitions and philosophical underpinnings attached to the notion policy. Nonetheless, there are common threads from which an operational if not working definition of policy can be explored (Anderson, 1997:9 and De Coning, 2000a:11).Hence in this research the following constitute basic attributes or tenets for the "public policy" operational definition:

(1) Public policy is whatever governments choose to do or not to do (Dye, 1987)

(2) Policy is a series of interlinked activities including formulation of policies, implementation of policies, and monitoring and evaluating policies
(Mutahaba, *et al*, 1993)

(3) Policy is an articulation of basic principles that are to be pursued to attain specific goals and actions (De Coning, 1995).

2.4.3. Policymaking Process

The issue of public participation in poverty-stricken community wherein there is competition for scarce resources like Orlando East is particularly dicey for any policymakers. There is overwhelming need to identify mechanisms that can enable the

poor to participate policymaking without delaying urgently needed services. But how is the notion policymaking understood? In the BNG the challenges are recognised:

> [E]specially as a result of the recognition of the formalisation of and upgrading of informal settlements will present great challenges given the composite nature of consultations required with various community-based organisations, and individual beneficiaries, to ensure that we take into consideration the various needs, circumstances and requirements of our people.

Grammatically, policymaking is commonly used adjective in public policy discourse referring to an act of formulating or drawing up of policies especially of government. Ultimately, "the state is "public authority", it owes this attribute to its task of promoting the public or common welfare of its rightful members"(Habermas,1989).Policymaking involves conversation between decision-makers, advisors, analysts and researchers, stakeholders and other interested parties along various stages of the policy development(Radin, in Van Dyk, 1999:14). Sabatier *et al* (Parsons 1995: 79) argue that, "public policy cannot be reduced to over-simplified stages of policy process." It is a complex process which does not often follow linear stages (i.e. initiation, formulation, implementation and reviews).

But however, stages do serve "as a heuristic device which enables us to construct a model with which we can explore public policy (Parsons, 1995:79). Nevertheless like any other heuristic tool policy stages, it must be treated with caution. The initiation of the pilot project was exclusively a government affair. The study explored backyard rental policy process as unfolded through implementation stage. Despite growing criticisms levelled at 'stagist' or "textbook" approach to policy making (i.e. that it turns to over-simplified the complicated process) it remains a salient and dominant heuristic approach to construct model with which we can explore public policy. Kaul (1997: 13) defines policy formulation as "… the articulation or formulation of policy, although this concept is sometimes considered as a part of policy analysis, and the drafting of policy as simply the

outcome of the analysis stage." Moreover, policy formulation has to do with the crafting of proposed alternatives or options to address a particular problem (ibid).

Whereas initiation stage on the hand entails aspects such as problem definition, and agenda-setting. Agenda-setting defines and lays down premise for policy process, notably set "…the actual process of what will be done, how, by whom and how it will be done, by whom and how it will be interpreted" (Kaul 1997: 7). As a matter of fact, the backyard pilot project was exclusively conceived and initiated by government through GDoH. The beneficiaries only got involved during the implementation as pronounced by the MEC during the project launch. Just in terms of initiation, it can be inferred that the policy process was inherently state-centric.

Literally policy initiation can be defined as those actions which lead to the initiation of formal process. According to Parsons (1995:44) the initiation of policy in government often takes place as a deliberate decision and, in most cases, the accompanying authorisation by a person or body who has the mandate to do so is important. The study has identified actors involved in backyard rental policy process, thus to find out "… how they got there, and what they do, and then determine whether we would want to identify any of them as 'policy-makers', and if so, on what basis" (Colebatch, 1998:15).

2.4.4. People's Contract

People's Contract is another concept that resonates in the contemporary public policy discourse in South Africa; the backyard rental is a case in point. What is People's Contract? How did it become part of policy lexicon? In some political dictionaries, the notion People's Contract means an agreement among the members of an organised society or between the governed and the government defining and limiting the rights and duties of each other. Broadly, with the People s` Contract the government committed itself to work in partnership with all the people in service delivery and development of public policy as part of a national effort to build a better life for all(Speeches and Statements,2005).

During the launch of the pilot project the MEC Mokonyane stated that "….We want our people to take ownership of these developments-but in order to ensure long-term sustainability of these interventions; we also want them to be our partners in a People's Contract." This concept officially came out during President Mbeki's state of nation address in 2003 whereby the government announced its intention with regard to both changing the lives of South Africans for the better, and building relations of human solidarity with the peoples of the world.

Before the previous local government elections the ANC pledged to act decisively to improve interaction with the communities through ward committees, "...correcting a weakness that two years ago resulted in communities rioting and rebelling against what they believed were unaccountable and corrupt councillors" (Xundu 2007:12).According to Xindu (2007:12) "the ANC councillors were made to sign a pledge committing themselves to live in the community that elected them, to listen to the views of the community and to hold public meetings to report back at least four times a year." Fundamentally, the ANC promised the electorate that if councillors fail to live by the pledge (meaning not accountable) will be recalled-removed from their positions. The electorates were told that they have recourse to recall councillors who reneged on the pledge.

However, the critics accuse the ANC-led government for allegedly paying a lip service as most councillors continue to ignore community involvement in decision-making without any action taken against them. Even with the pilot project the critics felt that the pledge to recall councillors if they cannot involve the residents is a ploy or emotional sentiment mentioned to keep the electorate hoping that the government is serious about their concerns.

2.5. Challenges for Public Participation

Crick (2002) argued that nearly every regime today claims to be advancing participatory governance. However, this seems to be easier said than done as implementation of

participatory governance remains a huge shortfall in policymaking around the world. In general there is a growing gap between the state and citizen globally. According to the findings commissioned by The Voices of the Poor (WDR200/1) "… many poor people around the globe perceive large institutions-especially those of the state-to be distant, unaccountable and corrupt… a crisis in governance" (Gaventa, 2001:1).

Another study done by the Commonwealth Foundation also shows "… a growing disillusionment of citizens with their governments, based on concerns about corruption, lack of responsiveness to the needs of the poor, and the absence of participation or connection to ordinary citizens."However as (Habermas, 1989) argues, "democratic public life only thrives where institutions enable citizens to debate matters of public importance". Brynard (1996:39) posits that, "the dilemma is that legitimate public management cannot be realised without some participation, but at the same time it cannot afford to be dominated by the participatory processes." Public participation is a means of providing those people whose lives will be affected by proposed policies with the opportunity of expressing their views and of attempting to influence public managers as to the desirability of the suggested policies (ibid).

According to Brynard (1996: 40) "public participation can be viewed as a two-way communication between the public and the government through their elected local authorities". Department of Provincial and Local Government (2004) states that community development is about putting the people at the centre of the development process and helping them to realise their full potential, not the other way round. Hence it emphasises people's participation, fosters self-reliance and above all bottom-up problem-solving approach.

Many reasons and hypotheses have been advanced for public participation in policy process. Some people argue that public participation is a means to facilitate project implementation. Paul cited in Letsoalo (1987: 3) argues that public participation is a means "to achieve better project results and consequently better conditions for the community. Since people know best what they can afford, only close co-operation between the authorities and community can result in projects, which satisfy both

community and the authorities." In this case the objective of public participation is seen to be enhancing project effectiveness. Public participation is also seen as an instrument or means of fostering the principle of equality. Atkinson (Brynard, 1996:41) assumes that through public participation, "all citizens should have an equal opportunity in the planning process of the local authority if they choose to do so."

However, as already pointed out public participation seems to be easier said than done as participatory governance is found to be wanting in most instances. In reality policy actors are not equal. So inevitably some policy actors have more influence than others. For that reason, in any policymaking as in the society per se there is people are not equal; a clear-cut distinction can be made between those who make policies and those who consume them. Thus the policymaking process is inherently hierarchical in nature. In her critique to Habermas' notion of bourgeois public sphere, Nancy Fraser (1990) asserts that the bourgeois public sphere was in fact constituted by "a number of significant exclusion" expressed in terms of gender, social status, ethnicity and property ownership.

Conyers (Brynard, 1996:33) identifies two problems characterizing public participation in local governance. According to Conyers (Brynard, 1996:25), people often complain that a particular policy decision is imposed on them or that they have not been consulted when a particular decision was taken. However, Banovetz (in Brynard, 1996: 54) notes that on many occasions, people do not participate actively even if given opportunity to do so. To what extent was it the case in the pilot project? Flowing from aforementioned perspective, it is therefore suffice to observe that public participation reflects power dynamics in policy process and therefore requires credibility of the policy process in terms of participation, representation and accountability. The issue of legitimacy of the Orlando East pilot project came out strongly during the community protests. Basically policymaking is not a rational process but rather contested terrain by various actors, particularly between those who govern and the governed. Often those governed use their powerful positions and leverage to resources to influence the final policy outcomes. While those governed often use protests to make their views heard in the policy process.

Some practitioners held that the policy outcome in itself is a reflection of skewed power relations inherent within a society.

The underlying assumption advanced here is that people often take interests on issues, which directly affect them. Characteristically public participation can be described as both principle and process. It is inherently challenging concept to implement. Questions that normally arise in public participation processes are:

(1) To what extent do people speak their mind in the policy process, how and why?

(2) Whose view is dominating, how and why?

(3) Who is included in the policy process, how and why?

(4) Who is excluded in the process, how and why?

The inherent social inequalities that prevail in the most local communities Orlando East included is also one major stumbling block towards effective public participation. As per findings of the study commissioned by GDoH in 2004 reveals that the backyard rental market is predominantly made up of women, pensioners, the unemployed or informally employed and using backyard rental as income generating activity (Backyard Rental Policy Draft, 2005). That is exactly the case with Orlando East pilot project, all beneficiaries are predominantly urban poor mostly pensioners and the unemployed. The inherent social inequalities within local communities cause lack of participation among the poorer marginalised communities because they have a feeling of powerlessness and they do not believe that their views can have any impact on final plans (Jerkins, 2000, Stoker, 1994 *et al,*). On the other hand in poverty-stricken community like Orlando East there is often petty squabbles whereby interest groups or individuals contest for control of the project initiatives and service delivery got derailed.

The fact is majority of people in poverty-stricken communities seldom possess necessary skills to engage in public participation, therefore there is a need for this vulnerable groups to be capacitated in order for them to participate meaningfully in the policymaking.

Coetzee and Graaf (1996:315) mention that, "they should be educated to think in a creative way to change their situation, and this includes educating them because effective citizen participation is reflected when people are involved in the decision-making about their own development. According to Letsoalo (1997:35) **"**project authorities who want to see real community involvement in both levels need to open two or more information channels to the communities, one through the local leaders and another directly in the form of leaflets, public announcements, conferences, etc." This will provide a check on the information distributed by local leaders. It also serves to ensure that inputs from communities are incorporated in the final policy outcome.

Often, if citizens realise that their participation is not valued in the policy process; they either vote with their feet, that is become apathetic towards community development or resort to violent protest. Arguably, "protest expresses relatively overt reaction to events or situations: sometimes in favour, though more often opposed. Protesters may organize a protest as a way of publicly and forcefully making their opinions heard in an attempt to influence public opinion or government policy, or may undertake direct action to attempt to directly enact desired changes themselves[13]". Protest is a growing trend in most urban communities in South Africa, particularly in Gauteng. Apathy has far-reaching consequences as it turns policymaking into an elitist process dominated by handful individuals or rather select few in a particular society. But in case of Orlando East, the disgruntled community members resorted to protest. The essence of participatory democracy is that every citizen should have a say in who governs and how they are governed, instead of leaving everything to an exclusive group of individuals with agendas that have nothing to with the public interests. Some policy practitioners believe that ordinary people support policy outcome that reflect their needs. An assumption in this case is that the views of ordinary citizens "… must not only be heard but also reflected in development decisions, thus making governments responsive and accountable to the community" (Jerkins, 2000, Stoker, 1994 *et al,*).

To effect effective public participation in the backyard rental poses serious challenges since the apartheid created backyard rental market that is inherently a disorganised sector

[13] http://en.wikipedia.org/wiki/Public_sphere-Retrieved August/15/2009

dominated by most poor people in Gauteng. It is however very crucial that all stakeholders participate in the development of backyard rental policy process so that they can have a sense of ownership on it. The "…more distant any form of government is from public accessibility, the more likely the planning of unpopular projects, programmes or policies becomes." Atkinson (1996: 41) mentions that, "participation in the policy management cycle may empower citizens vis-à-vis public officials which in turn may help to overcome possible bureaucratic dysfunctions because of citizen involvement."

Like in any human activity, public participation has its own limits. Thus even firm policy commitment like the one made by Gauteng government in terms of Orlando East pilot project there will always be some limits in terms of execution. Frankly, it is inevitable that not everybody would agree with all decisions made during the policy process and more so not everybody will participate in the policy process itself. According to Roseland(2000:106), "the traditional approach to public demand for greater participation has been described as decide, educate, announce, and defend.....participation does not necessarily mean that everyone comes to full agreement, but rather there is no substantial disagreement, participants can live with the outcome.

Section 16 of the Municipal Systems Act (Act 32 of 2000) obligates local authorities to develop a culture of municipal government with a system of participatory measures wherein people are notified in good time about meetings using accessible communication means. More so according the very same Act the meetings and other tools used by municipality for public participation should ensure that it is easily accessible to all the people including the most vulnerable groups.

2.6. Public Participation and Democracy Theory

Analytically, public participation is seen as practical expression of yet another broad and contested concept called democracy. A critical question becomes, what form of democracy as the latter is inherently broad and elastic. There are two main tendencies that underpin democracy theory, namely deliberative and representative democracy to be

unpacked in the subsequent section. Basically, the debate about participatory governance resonates within the realms of democracy theory particularly the area of public sphere discourse as espoused by and articulated in the work of Jurgen Habermas.

In Habermas' Structural Transformation of Public Sphere (1989), a bourgeois sphere is conceived as a sphere wherein private people come together as public and are able to engage the public authority over the general rules. In fact, bourgeois public sphere as articulated by Habermas (1989) is inherently "a discursive space in which individuals and groups congregate to discuss matters of mutual interest and, where possible, to reach common judgement." Basically, the notion of public sphere as espoused by Habermas (1989) is premised on the idea that of participatory democracy, and "how public option becomes political action." Thus, "the people themselves came to see public sphere as a regulatory institution against of the state" (ibid). The basic belief in public sphere theory is that "political action is steered by the public sphere and that the only legitimate governments are those that listen to the public sphere[14]".

In the Rethinking Public Sphere, Nancy Fraser (1990) critiqued Habermasian notion of public sphere wherein she argued that the bourgeois public sphere was in fact constituted by "number of significant exclusions" (ibid). Quite opposite to Habermas' assertions on disregard of status and inclusivity, Fraser claims that the bourgeois public sphere discriminated against women and lower social strata of society. Thus, according to Fraser (1990) the bourgeois public sphere was rather ".....the arena, the training ground and eventually the power base of a stratum of bourgeois' men who were coming to see themselves as a "universal class" and preparing to assert their fitness to govern." in fact, Fraser(1990) lays down " a hegemonic tendency of the male bourgeois public sphere, which dominated at the cost of alternative publics (for example by gender, social status, ethnicity and property ownership), thereby averting other groups from articulating their particular concerns."Although democratic governance featured in the pronouncements of Gauteng policymakers in the wake of the launch of Orlando East, but however it is not that clear in what form or shape of democratic tendency will it take. Just on the basis of

[14] http://en.wikipedia.org/wiki/Public_sphere-Retrieved August/11/2009

emphasis participatory democracy (People's Contract) akin to Habermasian public sphere seemed to have been the ideal option.

Mistake often made in most policymaking is tendency to reduce public participation to a procedural process of consultation with little or no substantive contributions from the citizenry. Dryzek (2000) argued that prior 1990 the democratic ideal was seen mainly in terms of aggregation of preferences or interests into collective decisions devices such as voting and representation. However, "under deliberative democracy, the essence of democratic legitimacy should be sought instead in the ability of all individuals subject to a collective decision to engage in authentic deliberation about decision. These individuals should accept the decision only if it could be justified to them in convincing terms" (ibid).

Arguably, the call for People's Contract in the pilot project prescribes equal partnership in the implementation in order to realise project sustainability. Ideally, through People's Contract the government called for a paradigm shift from apartheid development trajectory. "..Gaining popularity is the idea that allowing the poor rural and urban communities to participate in the formulation of solutions raises the prospect that many fundamental problems related to human development can be redressed in ways that are different from traditional ways."

During apartheid era, for instance, development was seen to have been "…developer-driven and often carefully organised to disempower communities, the result of this has been the failure of development on both the developers' own terms and community terms" (Cloete in Letsoalo, 1997). Development approach was top-down and somewhat paternalistic with white minority government determining and imposing its will over the disenfranchised majority. Thus majority of the people were systematically kept out of decision and policymaking processes. Consequently, this led to the emergence of radical extra-parliamentary groups in many townships in the 1980s which advocated abolition of exclusionary apartheid development paradigm. Thus the marginalised groups formed their own alternative public spheres what Nancy Fraser termed as, "subaltern counter public or counterpublics."

Letsoalo (1997:4) says "political parties, organisations and interest groups outside of government have for some years made their influence felt through policy and development forums which were originally convened to overcome repressive and restrictive tendencies of the previous government structures." Arguably, the culture of resistance against policy imposition as spearheaded by *Sofa sonke* and later UDF inspired street committees in Orlando East has its roots in anti-apartheid struggle.

With the advent of democracy apartheid policy development paradigm was legally done away with. This is why the issue of public participation has become a big issue within public policy discourse. Despite a growing discontentment about lack of public participation in service delivery in various communities, most if not all of Gauteng's principal decision-makers starting from the Premier, MECs, municipal mayors and ward councillors have undertaken to enforce public participation in policymaking process on various occasions.

As pointed out by Arnstein (1969:216-224), "… there is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process. The fundamental point is that participation without redistribution of power is an empty and frustrating process for the powerless". In this sense public participation is undertaken mainly for compliance sake rather a genuine effort to solicit the inputs from the citizenry. Thus policy process is left to be dominated by select few or top leaders at the expense of ordinary citizens. The involvement of ordinary people is reduced to minor things like their attendance to a meeting or often imposed representation in the policy process. Habermas (1989) observes that "....routinised political parties and interest groups substitute for participatory democracy, society is increasingly administered at a level remote from input of citizens." Invariably these are some of the attributes of representative democracy that is practiced in most liberal societies.

In a representative democracy elected officials are presumed to represent the will of the people and often they see no need for popular involvement in decision-making. The elected officials are presumed have mandate to act on behalf of the electorate. As a result,

representative democracy has propensity to reduce public participation to a window-dressing event or public relations exercise. This has far-reaching political implications to policymaking in the long term. Often if people have not been substantively engaged in the policy process they tend to resist the policy outcome or else become apathetic. Sometimes this is shown by lack of knowledge about the policy outcome among the populace on the policy or legislation they are purported to have participated in its formulation. It is for this reason that public participation requires a "genuine" engagement of the citizenry in policy process such that they can own or identify with the policy outcomes. In the RDP (1994), "real public participation is central if the development is to meet the needs and demands of the citizenry in an efficient and effective way". The RDP (1994) emphasizes the need for people to participate and influence the process of policymaking.

Deliberative form of participation presupposes the direct involvement of the community in decision-making (Boaden in Bryman, 1989). By and large, in deliberative democracy public participation is viewed as process rather than event (consultation).Invariably process presupposes a rigorous planning at the policy initiation stage notably: finding out the community needs and priorities-understand the dynamics of the community, identifying and consulting with relevant policy stakeholders, exploring resource mobilisations, making sure that all policy stakeholders are taken on board in the policy process and lastly citizenry should be engaged at all levels of policy process, solicit their input in developing the policy solutions. Habermas (1989:4) asserts that, ".....deliberative theory of democracy requires a political community which can collectively define its political will and implement it as policy at the level of the legislative system."

Of course, there cannot be perfect public participation because the latter involves human beings who are inherently fallible. Crick (2002:18) mentions that "democratic institutions, however had their difficulties too.....to involve all those entitled to have a say and to vote (tens of thousands, even if always a minority of the actual inhabitants of a city-women, youths, aliens, meant cumbersome numbers , too many meetings, and frequent rotations of offices."Paul in Letsoalo (1997:37) acknowledges this point but at the same time posits that, "concrete modes of participation need to be developed within the context of a

particular project as it is impossible to simply transfer forms of participation from one project to the other."

2.7. Modes of Public Participation

The advent of democratic discourse in South Africa in 1994 has ushered in new modes of development approaches which all prescribe public participation as the underpinning principle in decision-making. But however**,** Letsoalo (1997:4) cautions that,"…..it has not provided the country with a single mechanism through which all decisions affecting the public interest can be taken." The new dispensation has legally ushered in a paradigm shift in terms of development approach from top-down, state-centric and developer-centred approach to an ideally people-driven one. The idea for participatory development is predicated upon the general belief that public participation in policy process facilitates sustainable development. The dilemma is how much participation should be allowed, at what level and at what expense? (Brynard, 1996).

Although there are widespread complaints in South Africa especially with regard to the implementation of public participation, various efforts across the three spheres of governance have been undertaken to institutionalise public participation. South African citizens, for instance are being encouraged to participate in policymaking processes through various means, namely: public hearings, ward committee meetings**,** *imbizo***,**[15] mainstream media engagements (print and broadcasting i.e. talkback shows) and so forth. However critical question is how are these mechanisms being used to promote public participation and whether ordinary people are capacitated enough to participate meaningfully through this avenues? Democratisation process in South Africa has brought to the fore many new modes of public participation and few relevant examples will be reviewed in the subsequent sections of this chapter.

[15] Zulu word denoting a consultative meeting: used by the current government as service delivery feedback mechanism. Ministers, deputy ministers, Premier's, MEC's, Mayors, Municipal Managers and councilors visit and interact with communities across the country on a wide range of issues relating to government's programme of action. Part of a programme of direct interaction with residents in communities across the country. It also includes a process of engagement involving national, provincial and local government interacting with communities across the country on a wide range of issues relating to government's programme of action.

Imbizo

Arguably, *Imbizo* has become a buzzword linked to public participation process in South Africa. What is *imbizo*? Literally *imbizo* is a *Zulu* word for traditional public meeting and is uniquely South Africa mode of public participation that is being mainstreamed. Understandably so the democratic government has adopted *imbizo* with a view to foster direct interaction between the public representatives and their electorates.

Imbizo is used as an interactive platform between public officials (i.e. politicians across the spheres of governance and bureaucrats) and citizenry. According to the Presidency (2000), "*imbizo* gives ordinary people a platform to raise issues or problems with those in authority and also gives ordinary people a direct access to the Presidency so that they may voice their concerns and say what they feel about Government and service delivery." It would seem in this way the Presidency believes it would be able to identify blockages to service delivery and make necessary interventions through the relevant spheres of government.

Furthermore *imbizo* is aimed to facilitate direct interactions between senior government officials (i.e. politicians and bureaucrats), residents and stakeholders focused on a variety of service delivery issues such as economic growth, housing, health services and job creation. During *imbizo* residents are afforded opportunity to address the government officials. It also includes a process of engagement involving national, provincial and local government and state-owned enterprises to accelerate the implementation of government's programme of action in particular locality. The purpose of the *imbizo* "is to build partnership between Government and the South African public in the process of social change" (The Presidency, 2000).

However, there are wide-ranging arguments made against *imbizo* as a mode of public participation. Among common criticisms levelled against *imbizos* is that they are too prescriptive and they are government managed events because the agenda is set by government. Thus government determines policy agenda in terms of what to discuss and

how and what not to be discussed? Of course, public meeting like *imbizo* can be designed for various reasons, either to genuinely seek inputs from citizenry (participatory) or else to seek their endorsement (procedural-window-dressing) the point articulated by Arntsein (1969).

Furthermore according to the critics there are no in-depth engagements of the citizenry in the *imbizos* due to limitations of time and resources. There is a perception that government officials use the *imbizo* to put a positive spin on the government programmes. This cynicism derives from the fact that there is no monitoring and evaluation mechanism to keep track of the commitments government made during *imbizos* and that they are inherently *ad hoc* in nature, thus rendering *imbizo* into mere talk-shops. More so *imbizos* are criticised for being once off consultation often with no feedback. On the basis of the foregoing criticism therefore it can be assumed that *imbizos* for most part are ceremonial event more than anything else. Arguably, through *imbizo* it seems South African public has become accustomed to conflating the public participation with public consultation; hence the intense with which *imbizo* is being viewed.

For instance, the Presidential *imbizo* undertaken in April 2007 in CoJ which covered Orlando East, the residents there complained about non-performing councillors especially those deployed in the backyard pilot project, saying "the people we put in power as part of your government are failing us". In response, President Mbeki said his government had no use for lazy councillors. "If they cannot deliver they must go", Mbeki said (Xundu, 2007:12). But however according to the reports nothing was done afterwards.

Notwithstanding their inherent limitations, *imbizos* do to some extent provide important platform to hold public representatives accountable and therefore deepening culture of democracy and constitutional rights of citizenry, essential for electorate to check on government's performance. According to Gauteng News (March 2007) since 2004, Gauteng has held over 100 *imbizos* engaging directly with over 150 000 people. According to this news report, "civil society stakeholders have been consulted on wide

range of government strategies and programmes eradication of informal settlement included." But however, it is not clear how effective were these forums.

Batho-Pele Principles

In addition, the government of South Africa has put in place *Batho Pele* Principles so that the public can hold the public service accountable to provide minimum service levels. *Batho Pele* set service standards for public servants to better serve the public and fast-track delivery.

Batho Pele was adopted in 1997 as the framework to establish a new service delivery ethics in the public sector and is in line with the nation's constitutional ideals which promote the efficient, economic and effective use of public resources in a manner that is development oriented and responsive to peoples' needs (HSRC, 2008). *Batho Pele* lays down eight principles which serve as acceptable policy and legislative framework for service in public service key among them include consultation, access, courtesy, provision of information and openness and transparency which all antidote of public participation all as understood in the study.

Batho Pele Principles are among the new progressive initiatives adopted by the democratic state to foster public participation. The general application of the principles however remains a major challenge as most public servants and the broader community seems to be ignorant about them. The findings by HSRC social attitudes survey conducted in 2008 revealed a gap between these principles and practice.

MPCCs

To provide one-stop access to a range of government and non-governmental services closer to where people live, a total of 13 new MPCCs were established since April 2004 bringing the total by the end of October 2006 to 25 MPCCs (Gauteng News). As mentioned in chapter one, Orlando East pilot project operates from the MPCC. Some people likened the MPPCs to the Irish experience wherein in the Second Anti-Poverty Programme community resources centres manned by skilled officials were established

countrywide to capacitate the poor to participate in the community development (Cullen,1989).According to Cullen(1989), this innovations helped to build confidence among the poor to participate meaningfully in matters of community development.

However, there is growing concerns that most of these MPCCs are under resourced and fast becoming proverbial white elephants. Various suggestions have been made to improve the running of the centres, for instance those who managed the centres need to be trained to give relevant information for community' survival and further development. The need to create a sense of ownership of these centres by communities wherein they are located is of utmost critical. The centres need to provide information for communities in order to enable them to advocate for themselves. Ideally they were established to be one- stop-centres to be owned and managed by the communities themselves. Therefore management capacity of the officials who run the centres is needs to be strengthened if they are to deliver on their mandate like Irish ones.

CDWs

To assist communities to access government services and unblock service delivery obstacles, 200 CDWs have been trained and deployed in the various regions of the Gauteng province. Another 319 completed their training in April 2007 such that every ward in Gauteng has at least one CDW (Gauteng News - March 2007). A CDW is expected to be living in the communities in which he/she works-act as link between communities and local government and other statutory bodies (DPLG, 2004).By and large, CDW seeks to engage communities actively in making sense of the issues which affect their lives, setting goals for improvement and taking action through empowerment and participative processes (ibid).

CDW works with particular communities in order to collectively bring about social change and improve quality. "Although public meetings and the media are appropriate for dispersing information to the communities, employment of adequate and well-trained community workers and local government officials attached to a particular community is equally vital to facilitate and increase interaction between local planning authorities and

people..."(Sewell and Coppock,1997).CDW facilitates community participation in local government issues and they deployed at the community level as community based recourse persons for government(SALGA,2006).

According DPLG (2004) CDW is a community resource person who collaborates with other community activists to help community members to obtain information and resources to obtain information and resources from the municipality and service providers. Furthermore, CDW "should among other things deepen insight into people's needs and resources through exchanging information, guiding, educating, providing expertise, enabling, advocating and catalyzing action"(ibid). But however, many people in Orlando East residents included complained about their CDWs for not doing precisely what they have been hired for like they are accused of not giving regular feedbacks on the concerns they have raised with them during community consultations.

Ward Committees

Local government is one sphere of governance that is closest to the people; hence public participation at this level is fundamentally critical. Since the dawn of democracy, ward committees were rolled out in almost all municipalities. Actually, Section 152 of the Constitution of South Africa (1996) defines the core objectives of local government more succinctly notably, to provide democratic and accountable local government for local communities and more so to encourage involvement of communities and community organisations in matters of local governance.

Whereas the White Paper on Local Government defines developmental local government as local government committed to working with citizens and interest groups within the community. Ward committees are therefore critical in ensuring that local communities are able to partake in the affairs of their respective local authorities. According to the Municipal Structures Act (117 of 1998) each ward must have a committee. That is exactly the case in Orlando East; the 3 wards were represented in the PSC.

There are two ways to establish a ward committee: can either be a fully-representative structure enjoying full legitimacy but lack basic capacity to lead community participation in development and democracy or be less representative in terms of members being members of sector structures operating in the area, but possess reliable capacity to lead development and effect participatory(DPLG, 2005). Ward committee members are allocated responsibilities and duties in accordance with their portfolios that are in line with structure of the municipalities.

The ward councillors lead the process of establishing ward committees; they do in consultation of the community and nominate members of the ward committee. Basically, ward committee follows a consensus policy model as it operates through existing social structure within a given community. Ward committee members are representatives of the community elected by the community together with the ward councillor and they represent the interests in their ward (SALGA, 2006). This is because, "it is not practically possible to involve the whole community in the planning and execution of local development projects" (Bryden, *et al,* 1995).

According to Moseley and Cherret (n.d.:8) "the scale of such involvement is too massive and the public in any case is made up of many different interests, priorities and resources". In Orlando East backyard pilot project, two ward councillors were instrumental in the establishment of the project steering committee and they are actually leading project implementation. The Municipal Systems Act (Act 32 of 2000) stipulates that participatory measures at local level should include notifying members of local communities in good time about meetings, through appropriate communication measures and provision must be made for comments, consultation sessions, report back sessions and public hearings must be held to enhance participation processes.

According Manyathi (2007) "the true meaning of public participation and/or community engagement ….does not end with voting for one's preferred party only during the election but it meant active participation." Hence, Manyathi (2007) suggests that "….this could be achieved through, amongst others, encouraging members of the community to

be involved in structures such as ward committees and civil society in general. ….doing this the community must aim to empower vulnerable groups like women or farm dwellers" in order instil a sense of ownership in development processes the long run.

To realise active community participation Manyathi (2007) insisted that, "there is a need for contributions from all stakeholders, especially from the community to ensure sustainability. This would in turn also help greatly towards coming up with better strategies for sustainable development and projects prioritisation since members of the community are better informed on the needs of their respective communities."But however, ward committees are not without problems. It is up to respective municipalities to make sure that these ward committees remain operational and utilised to perform their developmental duties. The general tendency is in most municipalities induction workshops which expose ward committees to legislations that govern local government, their roles and core responsibilities are held once off. The workshops also deal with basic functions of ward committees.

This is acutely inadequate given the wider scope of municipalities, no wonder majority of ward committees grapple with roles definition. More so there is also inadequate mechanism in place to monitor performance of these committees. There is need for these committees to be adequately resourced to enable them to carry out their duties with much deeper understanding. More importantly, communities need to be informed and educated about the establishment, composition and functions. At the same time communities need to be informed about their recourse against the ward committees in event they don't carry out their mandate.

As already highlighted the ward committee promote a consensus among existing community interest groups. But however the inherent limitation of this consensus model is the fact it tends to reinforces existing power structures that marginalise the vulnerable groups. General criticism levelled against ward committees is that they are dominated by powerful interest groups within a community especially the political structures linked to the ruling party.

Public Hearing Mechanism

Public hearing is a process in which interested parties and any other persons who may be affected by the government decision on a particular contentious issue have an opportunity to make submissions, ask questions or register objections to issue put before discussion. A public hearing is comprised of elected officials, interest groups and citizens on various capacities.

The government is required by law to hold public hearings to consult and solicit inputs from the citizens before a major decision is taken on some contentious issues. The government gives official notice of a public hearing through various means like placing an advertisement in a newspaper, electronic media government gazette, posters and so forth. Those who cannot attend a public hearing, they can participate in the process by submitting comments to the public hearing in writing.

According to Kholong (2007:11), "participatory democracy enjoins us not to leave major policy matters and matters of state solely in the hands of others." However, some developments in the country point the need to reflect about the importance of the continuous involvement of ordinary people in matters of public hearings. For instance, there is growing concern that the decision makers have ignored the views of the general public on issues such as change of municipal borders and change of geographical names.

Municipal Demarcations

Change of municipal borders, for instance, prescribes fixed procedures to be followed for changing municipal borders. The procedures require public participation and a degree of consensus reached around the issue by all concerned people through public hearing mechanism. In case of Khutsong and Matatiele-Maluti public hearings were undertaken in some of these issues and the wills of the people prevailed. But however ignored in the implementation

The DA`s KwaZulu-Natal caucus leader, Roger Burrows accused the ANC of "totally ignoring the wishes of the people of Matatiele-Maluti" (SAPA, 2007). Consequently, the government has been accused of ignoring the wishes of the people when deciding on the issues of demarcation. " Despite the fact that the overwhelming response received at public hearings was in favour of being in KwaZulu-Natal, the KwaZulu-Natal ANC have obeyed their master's voice, shut their eyes and ears to the pleading of the people, and possibly damned them to a Khutsong fate, or worse," said Burrows (ibid). But however, in other these cases like Moutse, it was found there had been insufficient public hearings.

Some political commentators therefore asked what the purpose of public hearings is if the will of the public is not honoured. Public hearings tends to promote elitist policy model, as often the views of ordinary people are marginalized in favour of powerful groups particularly those with connections with the government. According to Kgosana (2008:10) "…the process of taking the hearings to all the provinces could be a ploy to avoid a situation where, if the bills are passed in their present forms, they could be challenged in the Constitutional Court on the grounds of insufficient public participation in the process of drafting them". By implication, public participation is only carried out for compliance rather than genuine engagement of the populace. Consequently, this "undermines the public discourse and it undermines the accountability dynamic of the legislature to the citizenry," Adam Habib the University of Johannesburg Deputy Vice-Chancellor says (ibid).

Public hearing in this format reduces public participation to procedural consultation. Consultation is one element of public participation not an end itself, but a means to achieve the end. Thus public participation involves substantive participation or contributions from the citizenry in the policymaking process. It therefore requires time, and political will to commit resources something often lacking in most emerging liberal democracies, South Africa is case in point.

2.8. Gauteng's Public Participation Experience

Gauteng's Five Year Strategic Programme (2004-2009: 44) states that, "deepening democracy also requires that we create increasing avenues for all our people to participate in decision making about all aspects of their lives fully exercise the rights and responsibilities of citizenship." Hence in Gauteng some statutory organisations have begun to establish specialized units to fulfil public participation policy mandate.

Gauteng Provincial Legislature, for instance, has put in place Public Participation and Petitions Unit purposely to spearhead public participation. "We also believe that with the above understanding there is an underlying responsibility for Gauteng community to be active participants in policy and decision-making processes" (Gauteng Provincial Legislature Booklet: 2000: 1). In fact, it is worth saying the establishment of the unit is not a choice but compliance to Section 118 of the Constitution which obliges all legislatures in South Africa to promote public participation (ibid).

In its Five Year Strategic Programme (2004-2009), Gauteng committed itself to promote public participation and accountability through *Izimbizo*, Lets' Talk Campaign and public hearings. By and large, public participation has become rubric or a dominant subject in the unfolding democratization process in South Africa. However, Gauteng constantly came under heavy criticisms from various quarters for not adhering to its commitment of public participation in policy and decision-making processes notably, name changes controversy (i.e. Tshwane Metro), BRT system, the bungled monorail project [16] municipal demarcation debacle in Khutsong[17] are cases in point. Notwithstanding these criticisms, Gauteng still touts itself as being committed to public participation as practically embodied in the principles of consultation, accountability and transparency.

Although there seems to be consensus in terms of the importance of public participation in policymaking process, however there is often lack of common understanding in terms

[16] A 44,7km monorail that was supposed to be build between Johannesburg and Soweto and that has been "put on hold" by the Transport Ministry to allow "the necessary process, including consultation" to take place.

[17] Khutsong one of the small black township in South Africa that became popular after it was incorporated into the North West from Gauteng leading to indefinite defiance campaign by residents.

of what it means in practice. Hence, the debate about public participation often cause delays in policy process and evokes strong emotional feelings among policy actors as it is the case with Orlando East pilot project. Notwithstanding the challenges underpinning implementation of public participation, democratisation in South Africa presents unique and exciting space for realisation of this ideal.

2.9. Conclusion

This chapter has briefly outlined the theoretical framework within which this research is situated. The literature review in this chapter has sets out the conceptual frameworks which served as theoretical lenses for research data analysis. Basically, it explained how this research fits into the larger academic project, giving different perspectives by different authors on the same area of study and different school of thought on public participation. Most importantly, it has provided definitional problems underpinning "public participation" and the concepts that are associated with it.

CHAPTER THREE

RESEARCH METHODOLOGY

This chapter outlines methodology that was employed to achieve the objectives of the research. An emphasis is put on the following issues research design, sampling procedure, research tools, data collection and general limitation of the research. The term methodology implies two important things: firstly, the approach on which the research is premised and, secondly, the methods used to gather both primary and secondary data on the subject that is being investigated as well as the procedures used to design the sample.

3.1. Research Design

Research design can be defined as "the blueprint for the collection, measurement and analysis of data-a plan for selecting the sources and types of information relevant and the structure of investigation undertaken to obtain answers in the research" (Emory and Cooper, 1991: 138). Whereas Leedy and Ormrod (2005: 2) on the other hand define research design as a "systematic process of collecting data in order to increase understanding of the phenomenon about which we are interested or concerned." Yin (1994:23) mentions that, "case study research excels at bringing us to understanding of a complex issue or object and can extend experience or add strength to what is already known through research."

This research was broadly exploratory qualitative study in which Orlando East pilot project was chosen as case a study. According to Leedy and Ormond (2005) case studies "are chosen to understand more about a little known or poorly understood topic. "In other words, qualitative research aims to help us to understand the world we live in and why things are as they are" (Mgwira, 2004: 60). Whereas according to Yin (1994:4), "a case study is used to evaluate a phenomenon within real life-context with the aim of reviewing key aspect of that phenomenon…. event, process, programme, institution or social group and is usually described by activity and time" Qualitative methodological approach within which this research was premised, is inherently exploratory and interpretative concerned with developing social phenomena, a discovery of meaning that persons attach

to events in their environments (Leedy, 1993). The use of this approach made it feasible for the researcher to gain a deeper comprehension of the views of policy actors on the topic under study. This is because "qualitative studies aim for depth rather than quantity of understanding" (Henning, 2004:3). On the whole, the research design was both exploratory and explanatory intended to understand public participation from the perspectives of the policy actors involved and those affected by the pilot project. Basically, qualitative case study was appropriate method in that the research attempted to uncover various meanings attached to the notion public participation within the specific context namely, backyard rental policy process.

According to Tellis (1997:1) case studies"...are designed to bring the details from the viewpoint of participants by using multiple sources of data". In the study, primary data was generated through multiple sources notably, through in-depth semi-structured interviews, direct observation in the project activities and documentation review. This means that the researcher considers not just the voice and perspective of the actors, but also of the relevant groups of actors and interaction between them, because "case studies are multi-perspectival analyses" (Tellis 1997:2). In the study direct observation means, "the systematic description of events, behaviours and artefacts in the social setting for the study" (Marshall and Rossman, 1990).The researcher observed public project activities that included public meetings, he also undertook several walk-about to the project sites and more so frequented Orlando East MPCC. The researcher participated as an observer in the several community meetings; a case in point is the one dramatic meeting that was held on the 25 of January 2007. The observations enabled the researcher to better understand the context within which the pilot project was implemented.

According to Emory and Cooper (1991:61), qualitative research "answers questions about the complex nature of phenomena, often with the purpose of describing and understanding the phenomena from the participants' point of view." A qualitative approach thus has a much stronger possibility of allowing participants to speak on their

own terms. Therefore exploring the perceptions of policy actors with regard to public participation in policymaking process required thorough and in-depth analysis, inherent attribute of qualitative research method as recognised and followed in the study.

Qualitative method "is typically used to answer questions about the complex nature of phenomena, often with the purpose of describing and understanding the phenomena from participants' point of view" (Leedy and Ormond, 2005:94). According to Henning (2004), qualitative research aspires to comprehend social life and the significance that human beings link to it. This approach was therefore relevant for this study as the researcher was more interested on the views regarding public participation policy actors involved and those affected by the development of backyard rental pilot project.

Whereas through documentation review the study sought to explore the notion public participation as conceptualised in the official government records notably, memoranda, legislations, GDoH strategic plans and so forth. "The aim of the above mentioned approach is to understand and interpret the meaning that research participants give to their everyday lives (De Vos, et al, 1998:80)". On the whole the research sought to find out how the backyard rental policy actors perceive public participation in the policy process which they were engaged in. The research was designed to enable the researcher to derive a better understanding needed to analyse and interpret the participants' feedback**.**

The researcher focused specifically on the policy actors and those affected by backyard rental pilot project in Orlando East, thus, making it a specific context from which the research was carried out. It is believed that, working with key informants helps when you are seeking in-depth information about a specialised topic in the project area. De Vos, et al (1998:80) asserts that, using qualitative research design; "data are systematically collected and analysed within a specific context." However, it is important to note that in qualitative research, "the research design is flexible and unique as well as evolves throughout the research process; there are no fixed steps that should be followed and the design cannot exactly be replicated" (De Vos, et al., 2002:81). For that reason the results of the research study would not be generalised.

Following the interviews, documents that correspond to project activities were collected, a cross–referenced and thereafter to enrich the interviews data. With regard to interviews, the researcher employed open-ended questions. According to Nicholas (1991: 13), "the aim is literally, an 'inter-view': mutual exploration of the issues, without the researcher imposing his or her ideas." Open-ended questions were very helpful and served as "….checkpoints to inform the research questions, and allowed the interviewee to be an informant rather than merely a respondent" (ibid).

3.2. Sampling Procedure

A standard research study entails sample. According to Mulder (1992:55) a research sample refers to "a group, which is selected from the population and is thus less that a population" According to Kerlinger, (1986: 109), "to learn something about people, one takes some people whom one knows or whom one does not know and studies them. After the study, one comes to certain conclusions about people, in general." In simple terms, sample represents a collection of subjects that a researcher wants to investigate or study over a particular period of time.

There are various types of sampling designs notably, random and non-random sampling designs. The selection of sampling designs is to large extent determined by research purpose. In terms of sampling design, the study used two techniques namely, non-random purposive sampling and stratified sampling techniques. To start with, the researcher used non-random purposive sampling with carefully selected participants believing that "…members of the sample will provide insight on the problem at hand" (Werbeloff, 1996:7). In the study, the non-random purposive technique was used to obtain information from key informants, Orlando East backyard rental policy actors.

"Purposive samples are those that the researcher specifically chooses based on desired characteristics as well as their usefulness in relation to the study (Babbie and Mouton, 2001:57)". Non-random purposive sampling was flexible such that it allowed the

researcher to choose whom to include and exclude in the sample "…. carefully selected from informants relevant to the question at hand" (ibid).The use of non-random sampling in the study was necessitated by the scale and length of study which was short term in nature. According to Werbeloff (1996:8), non-random sampling, "is more often used in small-scale monitoring or evaluation exercises and is therefore usually quicker". The data collection techniques were less formal and the use of non-random purposive sampling was therefore advantageous because it created more relaxed environment for interviews.

Furthermore, non-random purposive sampling was used to enable the researcher to gain first hand information on the perceptions, opinions, views and experiences of the participants in the pilot project. In addition, with non-random sampling more relevant informants can be added should the need arise during the data collection process. The non-random purposive sample in this regard is policy actors involved in and those affected by backyard rental policy process. Due to the inherent flexibility of the research design the walk-about to the project site and observations in the meetings, the researcher encountered some valuable information from respondents (i.e. leadership of OBD, disgruntled tenants and landlords, DA, APF and IFP members in the area) who were not enlisted in the initial sample.

By and large, in the study the researcher made an explicit choice in terms of identifying the sample of the study. A stratified sampling technique was also used in the study to identify the respondents from intended beneficiaries (landlords and tenants) of backyard rental policy. The use of stratified sample was also an attempt to gain the full insight of public participation from the beneficiaries' point of views finding out whether the policy process fulfils their aspirations. Mgwira (2004: 64) mentions that, "stratified sampling entails dividing the population into homogenous groups" and thus "each group should contain subjects with similar characteristics" (Cohen and Manion, 1994:84).

Table 1: Below reflects the sample used in the study

Respondents	Representation	Interview Status
Three benefited tenants	One respondent per (3) ward representing benefited tenants	Voluntary participants
Three tenants- not benefited	One respondent per (3) ward representing the disgruntled tenants	voluntary participants
Three benefited landlords	One landlord per (3) ward representing the benefited landlords	Voluntary participants
Three landlords-not benefited	One landlord per (3) ward representing the disgruntled landlords	Voluntary participants
Two ward councillors	Represented the three wards	Voluntary participants
Two CLOs	Represented broader community interests	Voluntary participants
One SDCO	Represented the GDoH	Voluntary participant
One Project Manager	Represented the CoJ	Voluntary participant
One representative of the subcontractors	Represented the local sub-contractors	Voluntary participant
Two CDWs	Represented the three wards in Orlando Community	Voluntary participants
One Project Officer	Represented project developer	Voluntary participant

To restate the main research objectives, the study sought to understand how the aforementioned policy actors and those affected perceive the notion public participation in the backyard rental policy implementation process. More so it sought to explore the expectations of the policy actors in the policy process and how were they affected by the policy intervention. Qualitative researcher "…focuses on the perspective of the insider, talking to and /or observing subjects who have experienced firsthand the activities or procedures under scrutiny" (Leedy, 1993:144). The interview assumed one-on-one interview with all research participants on specified time and venue agreeable to the participants. A once-off follow up interviews with each participant was undertaken primarily to corroborate and validate the data collected from them.

In conducting the study the researcher sought to use small sample due to resource and time constraints. Generally, qualitative researcher tends to select a few participants who can best shed a light on the phenomenon under investigation. Of course, these are dependent on the availability and willingness of the participants. Participation in the study was completely voluntary and they were all carried out at the convenience of the respondents' convenience. However, the major limitation of non-random purposive sampling is it may not adequately represent the range of answers being sought as it involves a predetermined, and therefore potentially biased, source of information (Bryman, 1992).

3.3. Research Tools

Leedy (1993:187) states that, "data lie buried deep within the minds or within attitudes, feelings or reactions of men and women. As with oil beneath the sea, the first problem is to devise a tool to probe the surface." Babbie and Mouton (2001) on the other hand argue that instruments used in research should be reliable, valid and suitable to answering the question. The researcher has used interview guide as the main research facilitation tools to probe and penetrate the surface.

Babbie and Mouton (2001:43) mention that the advantages of using interview guides include the fact that they offer an opportunity to establish good communication, trust and cooperation which are often essential for gaining more information on sensitive areas. Flexibility in the interview structure was also made possible and it catered for a deeper exploration of issues. The questions asked during the interview guide were open-ended questions because "with open-ended questions respondents can give any answer they choose, rather than selecting from a range of options" (Grinnell, 1988:281).For that reason the respondents were not restricted in terms of providing answers. Bryman (1989:30-31) notes that with semi-structured interview, "the researcher interviews in a very informal way, allowing respondents considerable latitude in what they say." Open-ended questions are essential in exploratory study in that they do not limit in terms of data collection (Welman and Kruger, 2001).

Open-ended interviews allowed the interviewees to express their impressions regarding public participation in the pilot project. The open-ended interviews enabled the researcher to "control" over the line of questioning (Creswell, 1994) and it also elicited information which may not be readily available in the records. Elman and Kruger, (2001) believe that open-ended questions are essential techniques in exploratory study in that they do not limit in terms of data collection. The researcher presumed that, the study would be enhanced if participants were allowed to express their opinions unconstrained.

The researcher allowed the participants to do most of the talking during interviews, hence, "a good interviewer is, above all, a good listener who lets people to say in the way that they want to say it" (Leedy and Ormrod 2001: 60). However, the researcher used focusing skills to ensure that the interview did not stray from its intended purpose. Potgieter, in Leedy (2001:92) states that, "focusing is used when one of the following functions are in mind: to select appropriate topics for discussion, to explore selected questions in depth, and to stay with a particular topic." The researcher pre-tested the efficacy of the interview guide with his peers at both Wits business school and education

campuses a month before embarking on the fieldwork. Through this pilot exercise the researcher identified potential problems that may arise in actual data collection process.

3.4. Methods of Data Collection

As per procedural requirement, the researcher visited both GDoH and CoJ offices in Johannesburg each twice to request permission to carry out the study and above all to set up the interviews. According to Leedy and Ormrod (2001: 158), "the people being studied must know and be willing participants in it…any data collected should not be traceable to particular individuals". During the visits the researcher explained the purpose of the study, sought access to relevant documentation and oral presentations on the process background. The researcher also visited Orlando East in order to familiarise himself with material conditions, to explain the purpose of the study and look for potential participants. Additionally, making a visit to the case study site "...provided the researcher with an opportunity for direct observations because the object being studied is not purely historical, some relevant behaviours or conditions will likely be available for observation" (Yin, 1994:32). Above all, the visits assisted the researcher to prepare logistics for the interviews, to secure a suitable venue for the interviews, to confirm the interviews and to finalise research protocols, i.e. circulated university consent forms and explaining the specific role the participants are expected to play in the study.

There were couple of worth noting challenges encountered during data collections, for example, constant postponements of scheduled interviews due to sudden commitments of some respondents. As anticipated some respondents especially those from government side refused to participate in the study and the researcher couldn't force them as per research ethics.

The internal consultations for permission to be given to government officials to participate in the study took so long such that the researcher was forced to use the reserve

list of participants. There are various ways to gather qualitative data in research. In the study the researcher utilised face-face or in-person semi-structured interviews as the main instrument for collecting data. Some data related to backyard rental policy process were also collected through literature survey of the accessible official government documentation.

-Semi-structured interviews

Many justifications can be advanced in terms of why the semi-structured interviews were preferred in this research. According to De Vos, et al., (1998:297) the face-face interview, "helps us to understand the closed worlds of individuals, institutions and communities" An underlying assumption here is that, through the use of this method the researcher is able to understand the participants' views**.** The use of semi-structured interviews in the study is justified by objective of the research per se namely, to explore the perceptions of policy actors regarding public participations in the backyard policy process. Interviews were scheduled for two hours at the convenience of the respondents and the venues for the interviews were chosen by respondents. Given the large amount data expected in the study, the researcher had designed databases to assist with categorising, sorting, storing and retrieving data for data analysis (Tellis, 1997). Through the permission of respondents, each interview was tape-recorded, transcribed and stored in the separate databases. Interviews notes especially critical comments were taken during the interviews and subsequently were corroborated with respective respondent in order to avoid misrepresentation during data analysis.

Semi-structured interviews as is stated in Babbie and Mouton (2001), provided the researcher with an opportunity to establish rapport, to stimulate trust and co-operation often needed to probe sensitive areas. Interviewing plays a major role in qualitative study and it is "…the predominant mode of data or information collection qualitative research**"** (Greef in De Vos et al, 2005: 287). Moreover, because the interviews were semi-structured, they allowed for "the introduction of unanticipated answers from interviewees" (Grinnell, 1988:276). Therefore, the researcher was also guided by the responses of the interviewees on probing for more relevant information. An interview

guide was used to enhance the reliability of the interview process. The interview guide differed slightly for each interviewee; however, in every interview the following themes were covered:

- The understanding of what is public participation understood to be in the policy process
- the specific role each policy actor played thereon and
- Their expectations in the policy process

3.5. Classification of Data

Data in the study was categorised into primary data and secondary data stored in the separate databases. Primary data in the study are firsthand account regarding public participation in the backyard rental policy process extracted from interviews with policy actors. Moreover, primary data was also generated from official government documentations that were accessible to the researcher that included among others: published articles, speeches, minutes, progress reports and so forth.

Secondary data in the study refers to data and studies on public participation that has been conducted by others researchers. The sources of secondary data varied. They included published journals on public participation and newspapers reports/articles. These documents were accessed and studied at the researcher's convenient time. The sources of secondary data assisted the researcher to gain a holistic picture and defining context of the notion of public participation both in South Africa and internationally. Leedy (1993:144) argues that to realise this end, "a wide array of data are needed: documents, records, photographs, observations, interviews, case histories and even a quantitative data."

3.6. Strengths and Limitations of Research Design

The strength of using the qualitative research design was that it allowed for an in-depth understanding into the policy actors' perceptions of public participation. One of the

limitations of the qualitative research design, as mentioned in De Vos, et al. (1998) was that the research was based on subjective experience. Hence, this may not necessarily be objective information but rather the subjective views of those involved in the research. Furthermore, because of its flexible nature, qualitative studies cannot be replicated as the "research design is flexible and unique and evolves throughout the research process" (De Vos, *et al*., 1998:243).

According to Babbie and Mouton (2001), the disadvantages of using interviews as a research method are that they are time consuming and are dependent on the honesty of the participants. Also, since the researcher utilized open-ended questions, the limitation was that the answers were "difficult to code and categorise" (Grinnell, 1988:281). Time constrains also served as a limitation since most policy actors had busy schedule. Nonetheless, in anticipation of the aforementioned eventuality, the researcher made a prior arrangements-set appointment dates with the respondents. The use of uni-functional method notably qualitative approach have its own limitations as noted by Creswell (1994) i.e. researcher's presence may yield bias responses, information provided by the respondent is coloured by his or her own perspective and not all people are equally articulate and perceptive.

According to Leedy (1989:213) bias is inherent in all research and descriptive studies are particularly susceptible to distortions. Leedy (1998:2130) defines bias "as any influence or condition that distorts data from what may have been obtained under conditions of pure chance" Possible bias that could arise during the interviews includes the misinterpretation of responses by the interviewer and the misunderstanding of questions by the respondents. The researcher applied several measures to mitigate the aforementioned disadvantage. The interview notes especially quotations and critical commentaries were verified with the respondents after each interview. The respondents were constantly reminded to provide honest responses during the interviews. More so the researcher used the interview guide to ensure that interviews does veer from the topic of the research.

3.7. Data Analysis

De Vos in De Vos, *et al* (2005) mentions that "data analysis is the process of bringing order, structure and meaning to the mass of collected information" while Kerlinger (1986:319) on the other hand states that, "to display the data is certainly important, but it is interpretation of data that is *sine qua non* of the research."

Leedy and Ormrod, (2005: 140) believe that the "central task of data analysis is to identify common themes in people's descriptions of their experience…. The purpose is to understand the phenomenon through the eyes and experience from the participants' point of view." The data collected from the interviews in the study was transcribed onto a record book. In this book the data was divided according to common themes. In addition, "a master identification file that links numbers to names to permit the later correction of missing or contradictory information was created" (Babbie and Rubbin, 2001:77). Strict confidentiality was exercised, as this file could not be available to anyone else except for legitimate purposes.

The researcher identified statements that relate to the topic in the study and separate relevant information in the interview, sought divergent perspectives and then break the relevant information into small segments (e.g. phrases or sentence) that each reflects a single specific idea (Creswell,2002). The researcher used various meanings identified in order to develop an overall description of the public participation as experienced by the respondents in the study.

3.8. Validity and Reliability

Validity refers "broadly to the degree to which an instrument is doing what it is intended to do" (De Vos, 2002: 166). Thus to what extent does the use of an interview guide successful in measuring the topic under study? Validity is also concerned with the "accuracy, meaningfulness and credibility of the research project as a whole" (Leedy and Omrod, 2001).

In terms of evaluating the validity of the data collected the researcher has considered whether the research tool – an interview guide; has been able to measure the topic under study, which is the views of policy actors on public participation. Validity of data collected in the study was enhanced through the use of multiple source of evidence notably observations, interviews and documentation as suggested by Yin (1994). All interviews were recorded with the permission of the interviewees and also notes were taken during the proceedings. Furthermore, the researcher was also concerned as to the accuracy with which this topic was measured. The researcher managed to obtain an in-depth understanding of the policy actors' views on public participation in backyard rental policy process. However, the researcher does also acknowledge that the accuracy with which the topic was measured may have been compromised due to the research interviews having been semi-structured.

The concept reliability as defined by De Vos (2002: 168) refers to " the extent to which the independent administration of the same instrument consistently yields the same results under comparable conditions" By virtue of the study being a qualitative one the research tool for this study did not allow for reliability. This is because the interviews were semi-structured and consequently no two interviews produced similar results. De Vos (2002: 339) argues that, "qualitative research depends on the presentation of the meaning of the experience or phenomenon being studied" Therefore the study was more interested on the meanings that the policy actors attribute to their views on public participation in backyard rental policy process.

3.9. General Limitations of the Research

The research sample was purposive and consisted mainly of the few willing participants. This was informed by among other things resource constraints related to finance, access to information and short time required for the accomplishment of this research. It is against this background that the study cannot claim to be exhaustive on the issue of public participation for general housing policymaking process in Gauteng. More so the study is mindful of the fact that broad policy actors' understanding may vary with policy

actor's emotional attachment to the event and personal experience. Due to the previous attachment to the department, some of the participants knew the researcher which could have resulted in the Hallo-Effect-this refers to the possibility that participants responses may be inaccurately presented by the need to meet social expectations or to please the researcher (Babbie and Mouton, 2001: 33).

The scope of the study was limited to the understanding of public participation from the perspective of the policy actors involved or affected in backyard rental policy process in Orlando East. Hence the outcomes and conclusions of the research should therefore be viewed within the framework of a relatively limited scope of enquiry. Due to limitations of time and resources the researcher made few visits to research site, which meant that opportunity to observe and participate in many meetings that took place in the area was constrained. It is therefore entirely possible that a similar study few years down the line may yield totally different findings and conclusions thereof.

The study also utilised a single methodological approach notably qualitative approach, which has its own inherent limitations. "Critics of the case study method believe that the study of a small number of cases can offer no grounds for establishing reliability or generality of findings. Others feel the intense exposure to study of the case biases the findings" (Teliss, 1997). Some dismiss case study research as useful only as an exploratory tool. The object of study is normally a unique sequence of event (ibid). This means that there will be little scope of testing earlier research by looking for a situation in which a process is replicated.

Furthermore, "in the social and political sciences we recognize how complexity, change and the consciousness of the actors we are studying limit our scope for the establishment of generalisations. We also recognize how particularly in a field like the study of policy, we cannot use experimental methods and we must often use qualitative techniques to study phenomena (Hill, 2005:15)". Finally, some important documents could not be accessed by the researcher as they were regarded as classified and therefore some important information could have been missed in the research process. The research

sample consists of only limited participants and therefore considering that “a qualitative study’s generalisability to other settings may be problematic” the findings cannot be generalized as it is context specific (De Vos, 2002: 352). As a rule, qualitative research is not concerned with external validity, which refers to the generalisability of the research findings to a broader population, as the aim of the study is not to prove law.

3.10. Conclusion

Briefly, the aim of this study was to explain how the study was carried out. The research design used, challenges encountered in the process of data collection and measures taken to mitigate these challenges are presented. Data collection instruments included mainly, interviews, documentation review and direct observation. Lastly, an emphasis was also put on sampling procedure and the limitations, research tools, strengths and limitations of the research design, data analysis as well general limitations of the research.

CHAPTER FOUR

A CASE STUDY OF ORLANDO EAST PILOT PROJECT

This chapter is primarily concerned with the presentation of the findings extracted from the data generated through direct observation, documents review as well as in-depth interviews with respondents who voluntarily participated in the study. These findings lay the basis for the analysis, recommendations and conclusions in the ensuing chapter. The study consisted of the policy actors (benefactors and beneficiaries) involved in Orlando East backyard renewal pilot project. The findings in terms of the perceptions of policy actors on public participation are discussed with reference to the specific objectives of the study. The research procedures as laid down in chapter three were accordingly adhered to by the researcher during the process of data collection. In a nutshell, the research adopted uni-functional qualitative research approach with different triangulated sources. A brief background of the research project provides an entry point for the discussion in this chapter.

4.1. Pilot Project Background

The pilot project for upgrading and formalisation of the backyard dwellings in Orlando East was initiated by GDoH in March 2005 and subsequently handed over to the CoJ for implementation. This move according to the ward councillors and project manager interviewed in the study was in direct fulfilment of chapter three of the Constitution (1996), which broadly binds the three spheres of governance, that is to say local, provincial and national government to ingrain participatory and co-operative governance in the implementation process. According to ward councillors, in an attempt to realise the objectives of People's Contract, which foreground a principle of public participation, a representative community-based PSC was established solely to facilitate community participation in the implementation of the pilot project. The PSC was established in October 2005, that is seven months after the housing MEC has officially launched the project. According to the project manager the PSC was formed after a series of consultations with various sectors of Orlando East community to ensure their ownership

of the project. The PSC was entrusted to bring together various role-players in the implementation process of the pilot project. The project manager explains, "the purpose of putting up the PSC was to make service delivery as participatory and people-centred as possible." The ward councillors who served as convenors of the process believe that they had exactly fulfilled this obligation. Ideally, the PSC represented various interest groups in Orlando East.

Table 5: reflects structure of the PSC

Policy Actors	Presumed Representation	Roles	Gender	Total
Ward councillors	Represented broader community interests, tenants and landlords included	Policy conveners and presided over the PSC meetings	Males	2
Project manager	Represented the CoJ	Responsible for overall management of all project activities	Male	1
CLOs	Represented Orlando East community	Provided a link between the community and policy implementers	Males	2
The SDCO	Represented the GDoH (Region D)	project oversight on behalf of the GDoH	Male	1
Project Officer	Represented project developer	Managed all technical project activities and processes	female	1

CDWs	Represented the 3 wards	Provided a link between the project and community	Females and male	3
Local sub-contractor representative	Represented the local sub-contractors	Provided a link between the project and the participating local sub-contractors	Male	1

As shown from the table above the PSC was dominated by men and people who have some connections to state power drawn from Orlando East community. This is despite the fact that the intended beneficiaries were predominantly single women, pensioners, the unemployed and those informally employed. More so organised community formations like APF, OBD, faith-based organisations and political parties operating in the area literally excluded. The ward councillors said political parties in particular were deliberately excluded because they were found to be divisive. According to ward councillors exclusion of political parties was canvassed and fully endorsed during public consultations and besides that is a standard practice in the province.

In addition, the pilot project was made up of different parallel technical teams coordinated and managed by the project officer. The PSC oversees the policy implementation process to ensure compliance to the project objectives that include community participation. The PSC operates from Orlando East MPPC (Picture 1) situated at 1425 Sofa Sonke Street. The PSC full time members in particular the CLOs share office space with MPCC staff that provides them with needed administrative support.

Picture 1: Orlando East MPCC



The findings in the study reveal that the establishment of the PSC was not informed by any policy guideline as there was it was none existent by then. According to the ward councillors the establishment of the PSC was informed by precedent in the province. Furthermore the respondents said similar kinds of structure were successfully established in the past in Orlando East dealing with variety project like upgrading electricity roads and water projects. The word structure of the PSC (Table 5) refers to configuration that shows how operation and reporting systems in the PSC were organised. It reflects internal workings within the PSC, that is critical link between tasks and processes as well as the manner in which work was done in the organisation.

Noting, from the findings it is clear that the PSC had a bureaucratic structure characterised by high levels of centralisation. The ward councillors assumed that a hierarchical structure enabled effective controls over the project activities. The strategic

decisions like appointment and firing of the contractors as well as financial decision rest with the ward councillors who commanded the overall political authority and oversight within the PSC. In the PSC itself vertical power relations and communication was clearly pronounced. For example, only ward councillors could address the media on issues related to the pilot project activities. The ward councillors believe that this form of structure was appropriate for a short span project, like the one in Orlando East. In actual fact, the PSC was a bureaucratic structure wherein procedure and rules was the order of the day.

Thubelisha [18] was appointed to serve as project developer to manage the technical implementation of the pilot project. The pilot project is targeting "….some 750 backyard shacks which Soweto homeowners are renting out" (*Thubelisha* Homes: 2006). The 750 backyard housing units that are being constructed come from the three wards in Orlando East. The project subsidy was pegged at R32000-00 per housing unit made up of financial contribution from GDoH. Local emerging sub-contractors were appointed to install water, sewerage services and toilet structures. Emerging sub-contractors refers to small and medium businesses that have just started with little or no experience. According to ward councillors five local emerging sub-contractors were selected through a rigorous process and awarded tenders to provide backyard dwellings.

Each one of these sub-contractors was awarded a total of fifty units to construct. The contractors were obligated to provide quality housing units in accordance with standards sets out by the NHBRC [19] within the specified time-period (2006 financial year). Participation in the pilot project was voluntary and only permanent residents of Orlando East could participate. Orlando East, the project site consists of 3042 formal stands and is heavily infested with backyard shacks. An average stand accommodates more than two backyard dwellings. For example, some stands have more shacks (e.g. 15 backroom

[18] Housing support institution to the National Department of Housing. "Its mission is to provide specialised interventions that positively impact on the development of integrated sustainable human settlements and accelerate affordable housing delivery".
[19] NHBRC- is a juristic body created by the Housing Consumer Protection Measured Act and it regulates quality standards in home building industry in South Africa

shacks in one stand) and this made the task of the PSC even more difficult to manage according to the project manager. The project manager explained that congestion of shacks in the area marked by acute shortage of land as results of apartheid land dispossession has exacerbated the shortage of space for construction of more spacious backyard dwellings. According to Molefe (2008:02)

> Shadrack Nyoni who resides at the council land, there are close to 15 shacks and three rooms and all tenants pay Jacob the rental fee....And to add insult to injury, there is no water, no toilets and no electricity on stand. "We relieve ourselves in the veld".... All along I thought it was Jacob s stand because I have been paying him since I arrived here in 2000", Nyoni said.

The decision to form the PSC "came after extensive consultations with community of Orlando East," the CLO affirmed the statement made the ward councillors in an interview with the researcher. In fact, all the PSC members interviewed in the study assumed that the PSC was legitimately constituted, the point vehemently contested by the concerned community members. The project manager explains,

> This (pilot project) was a groundbreaking initiative….through which we wanted to see tenants and landlords living side by side in peace. The country can learn from Orlando East, which has explored various mechanisms to ensure that the poor get involved in the policy process that intends to benefit them.

As far as members of the PSC were concerned everything possible was done to ensure that the policy process was participatory and inclusive from the outset. The ward councillors in particular rejected the claim by some concerned community members that the PSC was "rammed down their throats". According to the ward councillors the idea of the PSC has evolved through democratic processes of "rigorous consultations and engagements" with various sectors of Orlando East community. The ward councillors stated that the PSC was proposed and endorsed by the public during the consultative meetings. During consultations, project manager took time to explain the background and purpose of the pilot project, the expectations of the government on the project, how is

going to unfold and also how Orlando East community is going to benefit from this project.

According to the ward councillors, various questions pertaining to transparency and accountability processes in the policy process were brought forward, discussed and afterwards resolved. The PSC was requested to convene regular feedback meetings to give progress made in the project. Furthermore it was agreed that all correspondence and communication regarding the project would be directed to and received by the PSC. Apparently it was also agreed that the PSC will be responsible for the appointment of the sub-contractors as well as labourers for the project. Ward councillors insisted that people participated in the discussions freely asking various questions particularly about the policy implications of the pilot project in terms of title deeds, rental charges, payment for labour, and requirements for subsidy as well as duration of the project. The participants were assured "time and again" that the houses were give-away, meaning for free, but only rent will be paid on monthly basis and rental payment would remain an agreement between landlords and their tenants. By inference, government will not interfere on issues of rental payment. The project manager mentions that,

> People participated actively during the meetings seeking clarity in terms of the size and building plan for the envisaged backyard units …this was a history in making, the people of Orlando showed some enthusiasms towards the policy process . . ."

According to the ward councillors people for instance, were curious to know how the project is going benefit them as individuals and the community at large. "After long drawn-out and intense discussions (7 months after the launch), the idea of PSC was unanimously endorsed by the community as a policy implementation management structure. With the PSC government has showed it's clearly willing to move at a particularly faster pace to deliver on promises," the ward councillor emphasised. Basically, during interviews the ward councillors reckoned that brushed off allegations by the critics that the PSC was imposed. According to the project manager the PSC noted that the 750 housing units were only enough for the pilot project, but will not cover the

ballooning housing demand in Orlando East and therefore the PSC resolved that some residents who cannot be accommodated in the backyard dwellings that are being constructed will be voluntarily be relocated to Kliptown and Doornkop Greenfield projects[20]. However, the affected backyard tenants fiercely opposed the idea of relocation and cited that as indicative of lack of public participation in the policy process. More so the idea of relocating Orlando East dwellers to the Greenfield was also opposed by the people from areas surrounding the Greenfield projects because they thought the project was exclusively meant for them.

The ward councillors said they were impressed with the level of turnout and participation during the PSC consultative meetings in light of perceived climate of apathy in most townships. "Nowadays to organise a successful public meeting is arduous job…. you need to go extra-miles… slaughter a beast in order to draw attention of people to a meeting," said the ward councillor. The attendance registers attached to the reports at the disposal of the researcher reflects number of people who attended the meetings, their names and as well as their contact details. The highest number in the roll calls reflects 511 list of names. While the lowest number is 50 people. Explaining the lowest number, the ward councillors mentioned that the PSC constitutive meeting was restricted to 50 people. According to the ward councillors, this was done to ensure elaborate discussions.

Generally all the PSC members interviewed in the study believe the PSC evolved through participatory process. However, there was varying points in terms of whether such participation was carried through the implementation process. The sub-contractors representative complained about lack of transparency within the very same PSC itself.

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[20] A Greenfield project is one that is undertaken in an area where unoccupied land is developed as part of a new township, or it is a project that is undertaken in an existing township where an undeveloped parcel of land is utilised for development purposes.

4.2. Public Participation Perceptions

First and foremost, all respondents (100%) interviewed in the study and those encountered in the process of data collection recognised the importance of public participation. Their views and attitudes regarding public participation accordingly matched the researcher's initial expectation in that all respondents recognised the importance of public participation in the policymaking process, but however understood it differently when it comes to implementation. By and large, the research findings reveal two brought categories of perceptions namely, those who felt the policy process was participatory and those who felt it was not participatory. The phrases affirmative perspective and opposing perspective are used mainly as heuristic tools to identify the two categorised perspectives

Affirmative Perspectives

The group that felt the policy process was participatory is constituted predominantly by the PSC members, to be more precise ward councillors, CLOs, project manager, project officer, CDWs and beneficiaries (landlords and tenants) who already received their houses. On the whole this category of respondents thought there were meaningful engagements in all stages of the policy process.

Addressing the public meeting convened by *Thubelisha,* held on the 25th of January 2007 at Orlando East MPCC, the ward councillor mentions that, "the goal of the pilot project was to build society where all individuals, households and communities can enjoy a good quality of life…." The ward councillor contended that there was a high level of participation in the policy process cited figures of attendance of the meetings. "We consulted extensively…..we brought everyone on board through a representative PSC," said the ward councillor rejecting the concerns raised during the meeting that the process lacked popular involvement. Echoing the ward councillors' sentiment the CLO described the claims of marginalisation of the beneficiaries in the policy process as, "far-fetched, malicious and devoid of all truth" in light of continued high turnouts to project activities meetings.

The ward councillor insisted that everyone has been given a "fair chance" to participate in the policy process citing seven months consultation process that has been undertaken to solicit public buy-in of the project. The perception of the group regarding participation is largely based on consultation, representation and attendance to the project activities. According to the project manager the PSC was a product of the community consensus. Its "content and character" was shaped and agreed upon during the community consultation meetings alluded to. The project manager explains, "tenants and property owners don't have a direct representation in the PSC and this is not our fault, it is their own choice …. when the PSC was established, they (tenants and landlords) had no organised formation to represent them in the PSC. It was therefore impossible to bring every one of them into the PSC".

According to the ward councillors the idea for representative structure in the form of the PSC was informed by previous practice in the area. Over and above, it was necessitated by a vastness of the area and constraints imposed by the time limit set for the pilot project. For this reason the policy conveners felt that the existing PSC could best represent broader community interests. "Ideally we wanted everyone to be represented within the PSC, but that was not possible due to resource and time constraints," commented the project manager in the interview with the researcher.

Other PSC members in particular the representative of the sub-contractors and the SDCO conceded that even though PSC has evolved through some form of public participation, but however they also expressed concern that the PSC had deviated from its original policy mandate. Majority of the landlords interviewed in the study by contrast were generally in support of the policy process. They seemed not so much concerned about the representation in the PSC, but instead concerned with the sluggish pace of delivery. For instance, a landlord whose backyard was used as demonstration house mentioned that she was left with the concrete slab until to date (when interview was conducted).

Consequently, her clients (seven backyard tenants) were left without shelter and as a result she has lost an income of three months. She mentioned that she had started to reconstruct the backyard shacks to recover the lost income. She appealed for GDoH to intervene in the policy process in order to fast track the implementation process. Another landlord said the PSC had failed to deliver but he stopped short of saying she would seek PSC to be disbanded. Another problem that the landlords complained about was the specified building plans.

Apparently, GDoH could only provide a maximum of 2 0r 3 rooms (**Picture 2**) and this not in all the stands where shacks present. This became a problem in that the income of the three newly constructed rooms was not equivalent to the income from the fourteen shacks. By implications, landlords who relied on the backyard levies as source of their livelihood felt hard done by this new arrangement. Some landlords, felt hard done by the policy process some and wanted to rescind their application of the backyard house.

Picture 2: one of the 3-roomed backyard houses built in Orlando East



The representative of the sub-contractors expressed minority opinion and regretted what he perceived to be a lack of accountability and genuine engagements of the public by the PSC when major decisions are taken. He cited the hiring and firing of sub-contractors that has been done unilaterally by the ward councillors as indicative of process deviation. The respondent further claimed that the PSC is centred around and dominated by select few, the CLOs, ward councillors and project manager. However, the CLOs refuted these allegations. In fact, the CLOs blamed the representative of the sub-contractors for allegedly absconding the PSC meetings, "which showed no commitments to the PSC".

The SDCO commented the conveners of the policy process for showing, "a genuine effort and working against all odds," to encourage participation in the policymaking process. In the interview with the researcher the respondent said the conveners had "understood" the call for People's Contract by encouraging the people of Orlando East to participate in the policy process. "This pilot project is a chance for us and our communities to do work together in realisation of better life for all….," he said.

But however, the SDCO conceded that the policy process fell short to be "fully inclusive" but sought to assure the researcher that the situation would be attended to. He accordingly regretted a lack of representation in terms of gender in the PSC because, "policy implementation is complex and emotive process that requires maximum participation of all and sundry." SDCO further mentions that, "owing to the urgency of this matter, the GDoH will encourage the PSC to bend backwards and accommodate the concerns of the beneficiaries." He stated that GDoH will do this within the confines of inter-governmental relations. He firmly believe that Orlando East pilot project could become a good lesson for Gauteng and the rest of the country in terms of the upgrading, formalisation and integration of backyard dwellings into a mainstream rental market.

Oppositional Perspectives

The other category of the respondents believes the process was neither participatory nor representative as it excluded them. This group is made up of disgruntled beneficiaries and sub-contractors as well as their supporters within the community. In terms of findings this

group however was not homogenous in that they opposed the policy process for difference reasons. For instance, some beneficiaries just wanted houses the PSC to keep its promises in terms of delivery, while others like sub-contractors wanted stake in the tenders. Other people some respondents included who were seem to have been driven by bigger issues like politics notably, the OBD.

A person who identified himself as spokesperson for the OBD described the policy process as rather "a sham and lost opportunity for real participation". The spokesperson further alleged that only few people known or closed to the policy conveners were the only consulted in the policy process. The disgruntled beneficiaries who participated in the study affirmed the allegation that only handful people knew and participated in the PSC convened public meetings. They questioned authenticity of the reports and attendance registers in the possession of the PSC. One respondent casted an aspersion of the roll calls as made up or "rent a crowd". The respondents pleaded ignorance about the fact that the PSC constitutive meeting was restricted to representative structures as mentioned by the ward councillors during interviews with researcher.

They claimed that often policy conveners gave them short notices for the meetings making them not to participate. Some among the respondents particularly those already benefited conceded that they were consulted and they also participated in the process towards the formation of the PSC. Nonetheless, they complained that their suggestions were often overlooked and also raised concern about what they perceived to be "skewed representation" in the PSC. "Our participation in the ensuing policy process is minimal. …we are made to rubber-stamp the decisions of the PSC without meaningful engagements…." one respondent highlighted. On the whole these respondents questioned both the composition and operations of the PSC.

As explained by the ward councillors, the intended beneficiaries were represented by ward councillors, ward committee members and CLOs. The respondents were however unhappy about this form of representations. They claimed to have protested about lack of genuine representation, transparency and accountability in the PSC and that they have

raised several concerns with ward councillors in attempt to resolve this issue but all that came to nothing. “Our plea fell in the deaf ears ….we need to unite now to defend our democratic right to be heard”, vowed the enraged community member during one of the public meeting which the researcher observed. During one of the dramatic meeting disgruntled community members, with the respondents in the midst threatened to disrupt the policy process if their demand for representation was not acceded to. A concerned community member mentions that,

> People have a right to expect from government a speedy delivery. But in case of inability, the people have choice to take drastic action. We would not have to go this way, but however we are forced to.

The PSC downplayed the threats made against the process, but acknowledged that it would attend to some of the concerns raised. The disgruntled community members accused the PSC of working against the spirit of People’s Contract as pledged by the MEC Mokonyane and the Premier, which requires that all people must be engaged in policymaking process as equal. One respondent stated that they will challenge the outcomes of this policy process to the “bitter end”. “They must know that nothing about us without us,” the respondent warned. By and large, the concerned community members who included participants in the study believe the policy process was neither participatory nor representative as it excluded them.

Notwithstanding the apparent contestations about the legitimacy of the PSC, all respondents interviewed in the study have expressed importance of public participation in policymaking process. They believe public participation is about empowering populace to take charge of their own destiny and therefore a practical embodiment of democratic goals.

4.3. Challenges for Participation

The data generated through interviews, direct observations and documentation reviews reveal several challenges attributed lack of participation in the pilot project. The

challenges that ranged from apparent intra-community conflicts, lack of communication, poor intergovernmental relations and so forth.

Lack of Communication

All the way through the PSC seems to have failed to pro-actively communicate the project activities. Both vertical and horizontal communication appeared to have been ineffective. This generated lot of speculations within the community about the pilot project. Even though some of the rumours were unfounded, they became so entrenched and believable because the PSC did not communicate effectively to the community.

The issue of shortage of building materials is classic example. At some point the project was halted for a month (July 2006) as a result of shortage of building materials experienced nationwide. The apparent failure to communicate this message timely generated lot of speculations and a rumour attributed the delays to corruption within the PSC. Apparently the affected community only got to know through media statement issued by GDoH on the 12 of May 2007 which stated that, "in Gauteng small and medium developers contracted to deliver higher volumes of low-cost housing recently raised concerns that the country may soon run out of building stock including cement if government fails to intervene on time."

It could well be that indeed there was a shortage of building materials in the province, but the failure by the PSC to communicate this message directly to its constituency reinforced the negative rumours. The disgruntled beneficiaries believed that the PSC was fostering nepotism in the hiring of labourers and contractors. There were also complaints circulated in the local media (i.e. Orlando Urban News) alleging that the PSC was sowing divisions within community by buying off individuals (CLOs) who then work against the community they were supposed to represent. Another problem attributed to constant delays in the roll out new backyard shelters was incompetent sub-contractors. Some newly built houses had cracked walls, skewed door frames, poor wall plastering and exposed electrical cables. "We have been given a raw deal here", one landlord complained during interviews.

An example is one house at Skota Street in Orlando East, where a pipe burst and there faeces all over the area....According to the owner the house Thoko Madiba, the pipe burst two weeks ago and she went to report it and no one bothered to come (Molefe, 2008:1).

The quality assurance officials for the project are quoted in the report as having said the PSC had established teams to rectify the identified defects. “We have compiled a report which reveals some snags and as soon as possible will start fixing them,” the project officer mentioned. The report recommended that the homeowners be consulted and be informed about the course of action the PSC is to undertake to resolve this problem. According to ward councillors 100% of the sub-contractors were drawn from the community and majority had no capacity or experience the project of that scale, hence the sluggish pace in the delivery of backyard dwellings which left some backyard dwellers homeless. The PSC apparently hired these people in compliance to BBBEE to create jobs and empower local emerging entities. In response to a mounting pressure for service delivery the PSC had dismissed all companies which were implicated in the building scam.

But a failure to communicate this message timely created impression that the PSC did not care and that it was forced to take this drastic action. The ward councillor confirmed this view to the researcher when he says, “quite few people know why we fired the unscrupulous contractors. But, I can tell you that all of the reasons that everyone is speculating are completely untrue.” The ward councillor insisted that the PSC was not forced by anyone to take this drastic decision as alleged by the OBD. In the same way, the ward councillor admitted that the PSC did to communicate its work effectively which created space for the negative rumours.

By and large, it is widely acknowledged that poor government communication and irregular interactions with affected residents about the progress on delivery has often

caused some troubles in the communities. The SDCO raised a concern that PSC might have done a good job, but however it did not communicate its work effectively. "This undermines the good work done so far and is really unfortunate", the SDCO lamented.

On the whole, the policy process was punctuated by many rumour-driven strikes of which the often PSC dismissed as red-herrings and political instigations. For instance, a rumour was peddled that tenders were awarded fraudulently to families and cronies-'job for pals' syndrome," of the PSC members. Mhlongo (Molefe, 2008:1) alleges

> They appoint contractors based on 'Broederskap Empowerment Planning (BEE) and things didn't work accordingly…..if you are their comrade, one gets tender and I'm happy that their comrades are disappointing them."

It was not immediately possible to confirm the allegations independently due to lack of access to classified information (tenders documentation) and more so the tenants who made these allegations could not produce any proof to these allegations. The project officer defended the friends and families members of the PSC on account that they are also country's citizens enjoying the same rights as all citizens and therefore those who satisfy stipulated criteria for tendering deserve government services.

Some respondents particularly tenants and landlords expressed concerns regarding the two and three-roomed backyard shelter, a specification set by GDoH and endorsed by the PSC. The tenants believe the specification would lead to displacement or relocation of the many poor tenants against their wishes. According to the official reports the housing specification alluded to were informed by availability of space in the Orlando East. More so, relocation as confirmed by PSC official reports was to be undertaken voluntarily. Additionally, those volunteered to relocate were to be rewarded with RDP houses with title deeds.

But lack of transparency and communication in the policy process reinforced a rumour that the plan had ulterior motive to displace the poor backyard dwellers. By the time of the interviews the disgruntled backyard dwellers had vowed to resist the impending

relocations. Several protests led by the OBD were organised calling for immediate dissolution of the PSC. Responding to the imminent threats of violent protest if the PSC was not disbanded, the project manager stated that,

> We cannot walk away even though the situation looks extremely tense. We decided to stay because we cannot afford to create an institutional vacuum. Our sole responsibility is to steer the policy process to success, nothing more, nothing less."

Intra-Community Conflicts

The issue of intra-community conflicts is also notable from the findings. The struggle for access and control of limited resource in the community seems to be the underlying factor. Various community organisations and prominent individuals in many various subtle ways contested leadership of the PSC. Most black townships experience this phenomenon of inter and intra-organisational rivalries which often derail service delivery. Of course, leadership contestation was witnessed in most townships in Gauteng. Noting this problem, the Office of the Housing MEC in Gauteng issued statement that, "the recent protests that erupted in the province have underlying circumstances and there's no doubt that some disgruntled political individual and groups are using ordinary citizens for their own political benefit and advancing their agenda through the use of mass protests."

According to respondents the OBD was formed once it became clear that the PSC did not want to address their concerns. The OBD corroborated concerns raised by some respondents that included slow pace in the delivery process, delayed payments of the contractors, displacement of poor tenants, and general lack of transparency and accountability in the policy process. Therefore the OBD called for immediate dissolution of the PSC which it accused of promoting some political agendas and mismanagement of the pilot project. The OBD accused the PSC for been dominated by officials linked to the ruling party, the ANC. Conversely, the ANC Orlando branch linked the OBD to organisations and individuals opposed to the ANC government.

The OBD is believed to be affiliated to the APF operating in the area. However, some newspaper reports aligned the OBD to IFP (See the attached Appendix Two). "Nkomonde is the leader of both the Inkatha Freedom Party (IFP) and Orlando Backroom Dwellers (OBD) in Orlando East" (Molefe, 2008:2). The IFP however disassociated itself from the activities of the group. "Despite our support to the plight of our people in the area as IFP couldn't possibly support any illegal or criminal activity", responded IFP Gauteng spokesperson. The spokesperson further stated that IFP members if any serve in the OBD on their personal capacities.

The OBD claimed to represent all those who felt marginalised in the policy process that included tenants, landlords, sub-contractors, labourers and sympathisers. However, during the meeting (25 January 2007) one tenant argues that, "these people (referring to the OBD) don't know what they want, they don't represent us….they are misleading the public." Clearly, this particular backyard dweller did not agree with the sweeping claim made by the OBD that they (backyard dwellers) were marginalised in the policy process. He believes that backroom dwellers like anyone in the community participated in the policy process voluntarily. Commenting about the public meeting the SDCO says, "the opportunities for effective public participation are so huge," cited the huge turn out to the meeting that was called on a short notice. According to the SDCO most people had problem of apathy.

The tenant who opposed to the OBD reckoned that councillors regularly consulted them through ward committee meetings. "We work shoulder to shoulder alongside our leaders" referring to the ward councillors, said the backyard dweller. He added, "it is human nature, the PSC cannot satisfy everyone, some people would oppose the policy process for the sake opposing it." Some people in the audience concurred. He mentioned that Orlando East is a huge community such that not everyone can be directly represented in the PSC. Contrary to the opinions expressed by the disgruntled backyard dwellers against the policy process, this group of beneficiaries did not think a regular consultation by the PSC was even necessary. They thought too much consultation by its nature would be a waste of time. According to them, PSC enjoyed public mandate; it should therefore

ignored the OBD and speed up the implementation process. “Otherwise, the misleading protest in the community is going to gain momentum,” said one backyard dweller during the public meeting.

The PSC did not recognise the OBD because it thought the latter was driven by political agendas said the ward councillor. The ward councillor alleged that the protests were fomented by former disgruntled councillors particularly those who could not make to the ANC election list in the previous local elections. By implication, the ward councillors perceived intra-organisational rivalries at play. The CLO indicated that the PSC would urge the ANC in the province to deal with its own internal conflicts to ensure that those who were not included in the election list do not disrupt the policy process. He called on law enforcement agencies to, “act firmly against criminals who want to exploit genuine frustrations of the beneficiaries for their own selfish ends.” The CLOs told the meeting that all people who want progress in the policy process have no choice but to support the legitimately constituted PSC. “Nonetheless, it is our view that this process (of constituting the PSC) has been difficult, but we have all come to a common understanding that the PSC is there to serve the broader public needs.”

The PSC claimed that the pilot project were aftermath of the 2005/6 municipal elections and therefore inferred that the policy process was politicised. The PSC alleged that some political organisations were going around misinforming beneficiaries that the houses are not for free and CoJ is going to impose high rentals and those tenants who cannot afford the rentals will be evicted. More so landlords are going to lose a source of income due to allegedly an imposed standardised building plan (three-room as opposed to multiple units in the form of backyard shacks). Indeed the findings show some levels of politicisation of the pilot project.

During the public meeting it was reported that some people calling themselves members of the OBD allegedly prevented people whose houses were finished from moving into their new homes, threatened to harm them. The OBD accused the PSC of been intransigent. “We have raised our concerns to the councillors during various ward committee meetings and every time we were promised that this would be addressed but

nothing has happened to date," remarked an enraged OBD member during the public meeting.

During the meeting one OBD member mentioned that, "we met here comrades to chart the way forward for our community, our own future and we want to warn the government to stop this or things could turn ugly..... Our organisation is no pushover and the PSC should know this by now," the enraged backyard dweller swears. The OBD rose to prominence in July 2006 when the project got temporarily halted due to alleged misappropriation of the project funds which led to delay in the payment of contract labourers, led to a delay in the roll out process.

One of the fundamental duties of the PSC was to facilitate normalisation and regularisation of the tension-ridden relationship between the tenants and landlords. However, the inability of the PSC to manage the growing tensions in the policy process undermined this effort. The tension was also fuelled by unfounded speculation that backyard tenants were going to be issued with title deeds. Despite MEC's reassurance that this is not going to happen majority of landlords began to panic. In anticipation of this move some landlords started to serve their tenants with dismissal notices. The tenants swelled the ranks of the OBD and the pilot project was muddied by or plunged into political crisis.

Poor Intergovernmental Relations

The project implementation was sole jurisdiction of the mandated local authority the CoJ. According to GDoH this was done in accordance with Section 151(4) which provides for a system of intergovernmental relations in which the rights of municipalities are protected and the national or provincial government may not compromise or impede municipality's ability or right to exercise its power or perform its function, she stated. While Section 154(1) stipulates that: "the National Government and Provincial Governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their power and to perform their functions."

According to the sections alluded to the role of provincial government with respect to this policy process was to supporting the CoJ in the latter s terms. But however, the GDoH was constantly accused for constant delays in the disbursement of project funds which caused some problems. Furthermore the participation of the province was minimal as the SDCO served as ex-officio capacity in the project. On the flipside, the GDoH through the SDCO raised concern about lack of communication in the process. The SDCO mentioned further that he would urge the PSC to urgently address some of the concerns raised by the concerned groups. Responding to call for dissolution of the PSC, he replied that:

> They are calling us to intervene, to disband the PSC, we acknowledge their concerns, but we however hold different view ….We feel that all is not lost; their concerns can be accommodated in the very same policy process. Of course, naturally there will always be dissatisfactions in any policy process. How could we not want to understand this? Perhaps we need to reflect on our shortcomings and refresh our line-up…"

Thus GDoH cannot willy-nilly impose its will over the policy process, the SDCO explained. According to the SDCO, the GDoH played an oversight function thereby to ensure that the policy process adheres to project objectives specifically community participation. The SDCO further lamented lack of knowledge amongst stakeholders (benefactors and beneficiaries) regarding the existence of the, "Process Document On Policy Document" issued by the GDoH upon the launch of the pilot project which serves as a guide to the department's officials and stakeholders in the process of policymaking in housing sector. According to him the document gives the beneficiaries recourse in event they feel hard done by the policymakers. He attributed this problem to weak policy co-ordination and ineffective communication between the CoJ and GDoH.

The SDCO confirmed the reports of shoddy workmanship, slow delivery rate and constant administrative blunders by sub-contractors which affected the delivery of backyard shelters, but ruled out a possibility for unilateral intervention on the part of the GDoH. The SDCO mentioned that to fast-track delivery the GDoH has proposed to the CoJ to take over the projects where sub-contractors have failed to meet quality standards. It was not clear when (time) and how this was going to be done. In fact the SDCO

confirmed the observation made in the study that this project seems to have fallen or slipped through cracks of the government at both provincial (GDoH) and local level (CoJ).

Capacity Issue

Even though in the official documentation, reports and memoranda of the PSC there was recognition about the need for in-house training workshop to capacitate the PSC, however none took place. For some reasons the PSC members were expected to hit the proverbial ground running. Some members of the PSC therefore felt that they were set for failure. The ward councillors attributed lack of capacity building to time and financial constraints.

The issue of capacity training appeared in the reports of the PSC without concrete implementation plan attached to it. Most if not all members of the PSC were drafted into the PSC on account of their previous involvement in the project developments in the area notably, water and electrification projects. Majority of the PSC members thought they understand their roles, responsibilities and obligations in the policy process, but however they were unable to handle pressures arising from the policy process. The PSC appeared heavily under siege and it sounded defensive all the way through the project. They attributed the ensuing disruptive activities in the pilot project to political instigations by "agent provocateurs" implicit reference to the OBD.

To conclude this section, albeit the challenges identified above may differ from one community to another, it seems however they common in most townships where government service delivery is undertaken.

4.4. Expectations in the Policy Process

Even though all respondents (100%) felt very positive towards the principle of public participation, however they also acknowledged that implementation is more challenging than it was anticipated. Nonetheless, they felt that the pilot project has provided possibility and unique opportunity for all policy actors to participate in the

implementation process. “Ideally we wanted everyone to participate in this policy process, but that was not possible due to the resource and time constraints”, commented the project manager in the interview with the researcher. By and large, all respondents interviewed in the study sounded opinionated about public participation. They believe public participation is all about empowering the most vulnerable in the community to participate in decision-making.

Seemingly the MEC for Housing Mokonyane’s call for participation during the launch rally in March 2005 and the subsequent budget speech was well received by the community, hence the increasing level of interests in the policy process. It has to some extent encouraged the respondents to take interests in the backyard rental policy process in many different ways. Basically, all the respondents interviewed in the study and those observed during the public meetings have demonstrated some sense of enthusiasms towards public participation.

In their definitions of participation the respondents believe participation of various stakeholders in pilot project will enhance local democracy. Even the disgruntled respondents expressed a keen interests to participate in the policy process should they be given a chance. The respondents hold different viewpoints with regard to the application of participation in the pilot project. Some respondents thought the pilot project was participatory and others thought it was not. The tenants interviewed in the study in particular expressed various objections to the policy process. Broadly, the backyard dwellers felt that the pilot project policy process was not participatory because it excluded them.

4.5. Participation in the Public Meeting

Thubelisha hastily convened an urgent public meeting on the 25th of January 2007 at Orlando East MPPC. In attendance were members of the PSC, GDoH officials and CoJ housing officials as well as the general public. The CLOs presided over the meeting on behalf of the ward councillors said the decision to call the meeting after months of inactivity was intended to give the residents a “long overdue progress report” with regard

to the status of the pilot project. A strict procedure was put upfront by the presiding officer. As per procedure for the meeting the attendees were asked to identify themselves, stick to issues under the discussions and also to keep their questions short and precise.

The MPCC auditorium wherein the meeting was held was packed to capacity. The CLO acknowledged that the implementation process was facing some challenges attributed to labour disputes, community protests, shortage of building materials and shoddy workmanship by some sub-contractors. Throughout the meeting various members of the PSC committed themselves to community participation. For instance, the CLO stated that:

> We decided to call this meeting in order to give you progress report regarding the implementation of the pilot project. More so we are here to report to you about the PSC activities and to listen to your grievances because we value your contribution in this policy process and everybody is free to talk.

The CLO acknowledged the fact the PSC had failed to keep its commitment to convene bi-monthly mandatory meetings due to constant absenteeism of some members particularly the ward councillors. In terms of power relations in the policy process ward councillors were sole decision makers and their absenteeism impacted negatively. After the project manager the audience was allowed to ask questions and make comments based on the report.

There was a restriction in terms of what questions the people could ask. Furthermore the chairperson sounded too hard to people who could not follow procedure particularly the elderly section of the audience. Those who dared to do so were literally dismissed at hand by the presiding officer. This led to the domination of the meeting by few young male attendees. Many people noticeably elderly women left before the end of the meeting perhaps because they felt marginalised during the proceedings. The critics felt that a promised free to talk; an inherent attribute for participation was somewhat stifled. Although the procedure was necessary for emotion-charged meeting like this was

necessary, but the PSC was too inconsiderate especially to the elderly (majority beneficiaries) who knew very little about meeting procedures.

4.6. Conclusion

This chapter presented the main findings that have laid the basis for the analysis, recommendations and conclusions in the ensuing chapter. These findings will be analysed in the subsequent chapter to find out how various respondents felt about public participation in the pilot project.

CHAPTER FIVE

DATA ANALYSIS AND CONCLUSIONS

This chapter analyses the possible explanatory factors for lack of public participation deriving from the findings presented in the previous chapter. Public participation as conceptualised by various authors in chapter two constitutes a theoretical framework for analysis. Accordingly the main findings are cross-examined looking at how various participants felt about public participation in the pilot project. The analysis of the findings in the study is presented with a view to understand the underlying meanings of the data presented in the previous chapter.

Basically, this chapter reviews the main findings of the research solely to find out whether the key research questions have been adequately answered and more importantly to assess whether the primary purpose of the research has been achieved. Broad conclusions and recommendations will be drawn from analysed data in the subsequent section of this chapter.

5.1. Analysis of the Findings on Participation

To start with, the primary objective of this research was to explore the meaning of public participation within the context of Orlando East backyard renewal pilot project. The study investigated the policy actors involved and established their views in terms of how they understood public participation to be within the context of the pilot project.

In a study done by Kaunda (2004: 118), public participation is defined as "….both as means as well as an end whereby the communities are able to identify their own problems, come up with possible solutions to the problems, decide on the course of action to take, implement the chosen solutions and monitor and evaluate the implemented solutions." Letsoalo (1997) considered public participation to be a means to deepen democracy, to increase effectiveness of policy formulation and implementation, and also to enhance the legitimacy of any decisions taken in the policy process. Based on the

commitments made by government at various levels, responses from various respondents as corroborated by data derived from official government documentation, it seems this policy process was exactly intended to achieve the forms of participation articulated by the aforementioned researchers. The government in the words of both the MEC for Housing was intended to foster public participation in the policy process because:

> …we want our people to take ownership of these developments-but in order to ensure long-term sustainability of these interventions; we also want them to be our partners in a People's Contract" (Dlamini, 2006:5).

People's Contract has direct implications to the notions of governance in that it lays down people's involvement in governance and policy process as a basic prerequisite. The MEC pronouncements found expression in the RDP (1994:7) as highlighted in chapter two which states that "in order to sustain development, communities must own, support, and protect their development", a point emphasised by the MEC. Accordingly, the RDP (1994) perceives a link between project sustainability and public participation a point that came out loudly in the findings. It is assumed from literature review that if people feel they own or have stake in particular policy development, they would somehow be inclined to support the policy outcome. Habermas (1989) believes that "democratic public life only thrives where institutions enables citizens to debate matters of public importance."

In fact, from the literature surveyed a nexus between public participation and policy ownership is established. For instance, Letsoalo (1997:13) conceives public participation as "...the process or planning approach which requires that the individuals must represent all affected or interested community members, and must learn to think and negotiate collectively. …in order to sustain development, communities must own, support, and protect their development." But however, the pilot project lacked initiative to create a sense of ownership among the beneficiaries. More so, the envisaged partnership between the government and community did not materialise. On the basis of the foregoing findings, it can therefore be concluded that the project did not realise its intended policy

objective. Clearly, the policy process demonstrated the widely held proposition that no initiative regardless of how well intentioned as this one would succeed if it does not create a sense of ownership among the beneficiaries, the point argued in the literature reviewed. Actually, from the literature review the issue of ownership of the policy process by the end-users is linked to project acceptance.

In terms of the findings, the pilot project in the study have revealed the pilot project was generally marked by lack public participation which undermined possibility of effective implementation process. Lack of participation happened despite hyped commitment for "People's Contract" by the government when the project was launched. Whilst in theory the government committed itself to promote public participation in the policy process to ensure a sense of ownership, but however in reality this intention was hard to come by.
On the whole the findings confirmed a perceived disjuncture between what the government said it wanted to do (intention) and what it actually did in practice (reality). Therefore in this policy process public participation in terms of which local residents particularly the end-users and service provider (government) partake as equal partners in decision-making was rather an ideal than reality.

Cloete (1989:55) argues that "ideal situation would be if all residents could partake in meetings where decisions are taken with regard to local issues." Habermas (1989) concurs with Cloete when he argues that genuine participation "...requires an activist public sphere, where matters of common interests and political issues can be discussed, and the force of public opinion can influence decision making." An ideal public sphere as espoused by the foregoing authors did not play out here. Arguably, the findings in the study must be seen within a broader context of the fledgling democratisation efforts in South Africa. Letsoalo (1997:4) cautions that democracy "…has not provided the country with a single mechanism through which all decisions affecting the public interest can be taken."The DPLG (2005) emphasised a need for structured and institutionalised models for citizen participation. Without a concrete and inclusive mode of public participation the most vulnerable sections of society notably, unemployed, elderly and informally

employed who constitute bulk of the intended beneficiaries of government services are vulnerable to be excluded in decision-making as it was the case in the pilot project.

As pointed out in the literature review democratisation in South Africa saw creation of variety of modes of public participation of which little if any is known about their efficacy. Therefore concept of public participation needs to be understood within the complex dynamics of the ongoing democratisation of community development decision-making processes. As per observation, often state limited resources in poverty-stricken like Orlando East are often susceptible for contestation by various groups. Maybe in defining public participation it is imperative to take into account the complex and dynamic nature or character of community development decision-making processes. In the Five Pillars of the BNG (2004: 14) the challenges associated with the participatory development paradigm are acknowledged:

> [E]especially as a result of the recognition of the formalization of and upgrading of informal settlements will present great challenges given the composite nature of consultations required with various community-based organisations, and individual beneficiaries, to ensure that we take into consideration the various needs, circumstances and requirements of our people.

To sum up this section, it is crucial to find out how the government marginalised its most valuable constituency whom it intended to be its primary partner in People's Contract. The underlying factors that underpinned the complex community decision-making process that have direct bearing in the pilot project are cross-examined in the subsequent sections of this chapter.

5.2. Public Participation Underlying Factors

The pilot project was announced with a huge deal for public participation which raised a spectre hope for possibility of much more inclusive policy implementation process. The government made promise for public participation and community expected it to deliver without failure. It has been found that in cases where public participation prevails, the policy process tends to register progress. Popular involvement in policy process has

always been found to be one of the critical factor or impetus leading to a successful policy implementation.

As noted from the findings the government initiated decision-making mechanism in the form of PSC which was virtually incapable to facilitate effective participation to the satisfaction of most stakeholders. The PSC was established in accordance with a consensus policy model as it operated through existing structures mainly government in Orlando East. Bryden *et al* (1995) asserts that, "it is not practically possible to involve the whole community in the planning and execution of local development projects". Moseley and Cherret (n.d.:8) concur that "the scale of such involvement is too massive and the public in any case is made up of many different interests, priorities and resources". This was exactly the thinking of government officials involved in this policy process in their justifications of exclusion of community stakeholders.

The findings in the study have revealed that success of this project largely depended on the extent to which community in particular the recipients felt to be part of the decision-making. This is line with stipulations in the RDP (1994) which states that, "the core objectives in meeting basic needs and improving the peoples socio-economic situation is a commitment to grassroots, bottom-up development which is owned and driven by communities and representative organisations."

In the findings the project manager mentioned that the PSC was established solely "….to make service delivery as participatory and people-centred as possible". But however this was easier said than done in this policy process. Why? Analytically, the PSC was both structurally and operationally defective to carry out this mandate. In terms of its composition the PSC was predominantly government-centred structure (table 5) constituted by government officials or people who had some links with the government. The ward councillor thought the PSC represented broader community interests the view contested by the community. An apparent domination of the PSC by ward councillors was based on the view that they were elected officials, whereas ward community members and CLOs were seen as officially appointed community representatives. "The

true meaning of public participation and/or community engagement, explaining that it does not end with voting for one's preferred party only during the election but it meant active participation" (Manyathi 2007). Additionally, the establishment of the PSC was informed by precedent or past experience in the community rather than specific policy framework. As the findings revealed the form of representation did not augur well to the general public particularly the intended beneficiaries who legitimately felt excluded. Dryzek (2000) noted that prior 1990 the democratic ideal was seen mainly in terms of aggregation of preferences or interests into collective decisions devices such as voting and representation.

Thus, deliberative form of participation is confused with representative participation a common trend in most liberal democracies. Habermas (1989) observes that "....routinised political parties and interest groups substitute for participatory democracy, society is increasingly administered at a level remote from input of citizens." Dryzek (2000) asserts that "under deliberative democracy, the essence of democratic legitimacy should be sought instead in the ability of all individuals subject to a collective decision to engage in authentic deliberation about decision. These individuals should accept the decision only if it could be justified to them in convincing terms".

In the findings policy actors particularly those who served in the PSC confused participation with consultations and attendance to meetings. The issue of consultations and level of attendance of the public to the pilot project meetings was cited by the PSC as manifestation of participation. The researcher was presented with attendance registers to show a level of attendance in the policy process. It might have taken the policy seven months of consultations but that it does not make policy process automatically participatory.

Similarly, many people might have attended the public meetings as it seemed to have been the case but that alone does not make the policy process participatory. As articulated in the literature review neither consultation nor attendance is not equivalent to public participation. Arnstein (1969:216-224) argues that, "… there is a critical difference between going through the empty ritual of participation and having the real power needed

to affect the outcome of the process. The fundamental point is that participation without redistribution of power is an empty and frustrating process for the powerless."The ward councillors insisted that the public participated in the meetings freely and were always given "fair chance" cannot be sustained. Habermas (1989) argues that, "an event qualifies to be called "public" if is open to all and inclusive in contrast to closed or exclusive affairs." But if what happened during the public meeting held on the 25 January 2007 was reflective of the PSC public meetings, then it can be argued that the meetings were not participatory at all. According to Habermas (1989) an ideal public sphere is wherein "...actors are equally endowed with capacities of discourse; recognise each others' basic social equality and speech is undistorted by ideology or misrecognition." An ideal public sphere as conceived by Habermas is "discursive space" in which individuals and groups congregate to discuss matters of mutual interest and, where possible, to reach a common judgement." This didn't prevail in the policy process and hence those felt marginalised during the deliberation particularly elderly women left before the end of proceedings.

Of course, the Habermas (1989) is critiqued by Fraser who argued that the bourgeois public sphere per se was in itself was constituted by a number significant exclusion expressed by gender, social status and property ownership. In the pilot project exclusion assumed gender and social status. Consequently, the marginalised groups and individuals in the policy process formed their own publics spheres, and this concept a subaltern counterpublic or Counterpubics" (Fraser, 1990).During the proceedings beneficiaries could not speak their minds and the meetings were generally dominated by the enlightened few.

In the Voices of the Poor (WDR200/1) is stated that "… many poor people around the globe perceive large institutions-especially those of the state-to be distant, unaccountable and corrupt… a crisis in governance" (Gaventa, 2001:1). Another study done by the Commonwealth Foundation also shows "… a growing disillusionment of citizens with their governments, based on concerns about corruption, lack of responsiveness to the needs of the poor, and the absence of participation or connection to ordinary citizens" (ibid).On the whole, the PSC was government-centred structure that lacked public appeal

or rather legitimacy. “Participation in the policy management cycle may empower citizens vis-à-vis public officials which in turn may help to overcome possible bureaucratic dysfunctions because of citizen involvement” (Atkinson, 1996: 41).This was not the case in the pilot project.

Power relations in the policy process was skewed and vested in the hands of ward councillors who demonstrated very little commitments towards the pilot project. Their constant absenteeism virtually hampered progress in the pilot project. Generally the policy process was characterised by high levels of centralisation of authority which inhibited access and flow of information. Letsoalo (1997: 35) argues that, “project authorities who want to see real community involvement in both levels need to open two or more information channels to the communities, one through the local leaders and another directly in the form of leaflets, public announcements, conferences, to ensure that inputs from communities are part of what the information is all about”.

According to Kholong (2007:11), “communication lines between leaders and followers, policy makers and objects of policy, in all sectors need to stay open. No one will be caught by surprise. There will not be undue apprehension and fear that characterised the pilot project policy process.” Lack of effective communication in the face of sluggish pace of delivery of the policy mandate boded ill and generated lot of speculations. For instance, at some point the project was halted for a month without any communication coming from the PSC. The landlords who depended on rentals of the backrooms for livelihoods and their clients legitimately felt hard done by the delays. Therefore it might be fair to expect the people to accept some few mistakes here and there, but an apparent lack of communication was asking too much and inexcusable.

The findings in the study revealed that since the launch of this initiative, that is the pilot project, there has been a growing concerns within the community of Orlando East regarding slow pace of delivery accentuated by constant shortage of building materials, delayed disbursement of project funds, and above all lack of transparency and accountability as required by the law. The beneficiaries and community at large were

thrown into deep end of speculations as the PSC did not communicate the message at crucial times. Some beneficiaries only got to know the problem of the pilot project through media. Nobody was available to address the beneficiaries especially landlord with regard to new building plans which they claimed took away their livelihood. More often than not the PSC interventions appeared to have been "too little, too late" in the words of one of the respondents. It can be grudgingly be accepted that mistake is bound to happen given the magnitude of the issues the PSC had to deal with, but lack of communication was blatantly unwarranted. The issue was how the PSC responded to concerns brought to its attention by concerned community members. As noted in the findings the meetings the PSC organised were mostly *ad hoc* in nature and above all crises-oriented. It is very important for policymakers to remember that they are not doing citizens any favour in been accountable to them.

It is evident from the findings that lack of public participation was indeed connected to constant policy stagnation. Giving ordinary people space to participate in the policy process lies at the core of enabling public participation. Lack of public participation in this policy process simply means that the much vaunted principles underpinning public participation namely transparency; accountability and sustainability were significantly compromised. As the findings reveal those who felt marginalised formed their alternative public sphere, "subaltern counter public" (Fraser, 1990) in the pilot project contested the policy outcome and this significantly disrupted service delivery.

Seemingly, under democracy exclusion of the poor in decision-making continues under the guise of noble ideas or rhetoric notably People's Contract as it was the case in the pilot project. On paper, poor people have gained rights that in practice are still undermined by policymakers who subtly circumvent the fulfilment of these rights. In the pilot project, the state-centric PSC was used to marginalise the poor. In general the government has increasingly called for participation of the poor in policy making, but exclusion of the poor remains a day to day reality. Observably, under democracy exclusion in decision-making is still particularly concentrated among the historically disadvantaged sections of South African society notably, blacks, unemployed, women,

rural and so forth. The government has put in place various legal frameworks and modes of participation with minimal inputs from the most vulnerable sections of society Orlando East is a case in point. Most policymaking as shown by this one remains government-centred, bureaucratic and inevitably elitist.

The policy approach followed in the pilot project exemplifies the elitist policymaking model; hence it was dominated by project planners, policy bureaucrats and elected officials at the expense of the beneficiaries. Arguably, this could be viewed as unintended consequence as there were generally common understandings among policy stakeholders, policymakers included in terms of what this policy process was intended to achieve. According to De Coning (1995) an elite policy approach assumes that the small group of knowledgeable people should be entrusted to design and make policy decision. This seems to have been the underlying thinking of the decision-makers in the pilot project in that decision making was vested in the hands of the select few, the PSC.

A common trend in most emerging liberal democratic societies South Africa included is to assume that by virtue of being democratically elected government they automatically understand the concerns of the communities and can seek solutions without them having a say. This was not the point in the pilot project wherein beneficiaries wanted stakes in decision-making in this policy process. “All citizens should have equal opportunity in planning process of local authority if they choose to do so” (Atkinson in Brynard, 1996:41).Brynard (1996:40) perceives public participation as a two-way communication between the public and government through their elected local authorities.

The findings in the study show that the PSC hardly sought inputs from the community. According to De Coning (1995: 116) in elitist policy environment, “.... elites are formally charged with making authoritative decisions in government and because they have considerable scope, they can ably identify problems, articulate goals, define solutions and think strategically about the implementation.” This is exactly what happened in this policy process. The PSC assumed that “the masses” cannot represent themselves nor contribute meaningfully in the policy process and that only the policy elite (PSC) know

what the masses wanted. Like any other elite-led policy process, this policy process was fairly top-down and downright exclusionary.

The domination of the policy process by a select few happened in spite of an apparent eagerness among community members particularly beneficiaries to participate in the policy process. The involvement of the community was defined narrowly in terms consultations and their attendance to meetings. In the RDP (1994) is argued that, "real public participation is central if the development is to meet the needs and demands of the citizenry in an efficient and effective way". The ideal of RDP (1994) which emphasizes the need for people to participate and influence the process of policymaking was hard to come by.

In the literature review it is assumed that for community to own or identify with the policy outcomes they must feel to have been engaged in policy process and their inputs recognised. With exception of PSC members majority of people the researcher has encountered have shown low level of confidence in the policy process and this may largely be explained by the fact that these people felt marginalised in the policy process. From the literature review Arnstein (1969) equates public participation with empowerment of people in service delivery. Arnstein (1969:216-224) defines public participation as "a categorical term for citizen power… redistribution of power that enables the have-not citizens, presently excluded from the political and economic processes, to be deliberately included in the future". The point made here is real public participation must empower the most vulnerable in society so that they can also make meaningful contributions in the policy development.

By virtue of been constituted by elected and government representatives, the PSC was thought to be representative and more it could do things without due regard of the community approval. Basically, if the definition of public participation from the research findings is to be maintained, then it can be safely inferred that the government has yet to devise better ways to make public participation reality in view of the PSC actions in this policy process which contradict the very basic ideals of People's Contract.

5.3. Conclusion and Recommendations

There are divergent views on the best paths or mechanisms to bring about real public participation. All participants in the study agreed that public participation is the critical element on which sustainable community development is built. It is through a direct involvement of beneficiaries that this could be achieved. In the literature reviewed most researchers concur that service delivery should be driven and be owned by beneficiaries. Notwithstanding the problems in the study, the call for People's Contract has brought profound possibility and hope for participatory governance. Of course, the crucial question remains: how to create an environment that is more conducive for public especially the most vulnerable who constituted the bulk of beneficiaries to participate meaningfully in the policy process. This question has been and continues to be a thorny subject in the domain of public policy discourse in post apartheid in South Africa.

Department of Provincial and Local Government (2004) states that community development is about putting the people at the centre of the development process and helping them to realise their full potential. It emphases people's participation, fosters self-reliance and above all bottom-up problem-solving approach. Despite preponderance of these sentiments in the policy process, real public participation did not prevail.

To ensure the success of any project, the government must find a way to fully involve the public particularly beneficiaries in the project of this nature. The involvement of beneficiaries is critical for realisation and enhancing of confidence in the public policymaking processes. Most probably "…a well-developed strategies for public participation build trust, promote accountability, strengthen commitment of all stakeholders towards improved governance, and directly limit the potential for corruption" (Urban Governance Practices,2000). Deepening democracy also requires that government create increasing avenues for all people to participate in decision making about all aspects of their lives fully exercise the rights and responsibilities of citizenship (Gauteng's Five Year Strategic Programme 2004-2009).

Kliksberg (1995:43) mentions that**,** " ….gaining popularity is the idea that allowing the poor rural and urban communities to participate in the formulation of solutions raises the prospect that many fundamental problems related to human development can be redressed in ways that are different from traditional ways." Mobilisation of the community should be broad to include all sectors of society particularly beneficiaries to ensure that people at all levels embrace the policy outcomes. Often people unite around an initiative in which they wholeheartedly believe they have been part of its design and implementation (Brynard, 1996).Such has been the passion behind the frequent protests from the concerned residents of Orlando East who either did not get their houses delivered, shoddily built and above all felt excluded from the policy process itself.

As per findings, the government neither had a policy nor training programme in place to enable the PSC and community to engage meaningfully in decision-making. By implication, the PSC operated without checks and balance due to policy vacuum and effectively rendered the policy process to be less transparent and unaccountable to the community it was supposed to serve. The PSC showed some level of indifference, complacency and disregard to public participation in this policy process with no consequences. For example, a regular public engagement promised at the project initiation stage did not materialise because legal mechanisms to hold them accountable did not exist. No sanctions were meted out against the PSC members who did not do their jobs. Perhaps, this could have reinforced some sense of accountability and transparency in the policy process. A policy instrument is therefore urgently required to provide much needed regulatory framework that was virtually lacking.

The policy should clearly spell out clear-cut institutional arrangement of decision-making, the roles, responsibilities and obligations of the role-players in the policy process. Furthermore it should provide usable recourse to the public against the PSC if it does not fulfil expectations of the community.

In essence the policy instrument should provide mechanisms required to manage the policy process. For example, the policy instrument should entail monitoring and evaluation system so that the role-players can gauge the effectiveness of the structure in terms of carrying out of its mandate. The system should assist the stakeholders to check whether organisation objects are met timely and to prevent waste of time and limited state resources.

However, policy alone nor declaratory statements as revealed in the findings do not necessarily guarantee compliance to participation. It takes more than just noble intentions and good policies to inculcate the genuine participatory policy development in the local sphere of governance. A commitment to public participation must be accompanied by demonstrable or practical inputs making sure that the most vulnerable have direct say in decision-making. The representation must be broadened to include broader interest into organs decision-making process particularly those seen to be the voice of the voiceless. In case of Orlando East representation must be sought from community-based organisation like faith-based forums, *stokvels* and non-governmental organisations. The proposed policy document should entail a structure that is widely accepted by community stakeholders.

Basically, "...poor must be given access to opportunities for participation as individuals as well as through their chosen or preferred of representation because their sense of efficacy increases when are connected the issues that matter" (Cloete in Letsoalo, 1997).The issue of training cannot be overlooked or overemphasised. It is central to address capacity issue that was conspicuously lacking in this policy process. According to Sewella and Coppock (1997), "there are appropriate capacity building programme for different categories of people and some strategies can be appropriate for some people in the context of specific model of public participation".

In case of the pilot programme, those who serve in the leadership structures need training on the basic project facilitation skills, communication, and meeting and conflict management skills. This would go a long way to prevent petty conflicts that are usually

caused by suspicions and feelings of marginalisation in the policy process. According to Roseland(2000:106), “the traditional approach to public demand for greater participation has been described as decide, educate, announce, and defend.....participation does not necessarily mean that everyone comes to full agreement, but rather there is no substantial disagreement, participants can live with the outcome. The process of establishing the decision-making structure like PSC must be characterised by openness, dialogue and consensus within the specific community. This will be consistent with the values enshrined in the constitution. Providing information and training can help the public to build and maintain their participation in decision-making. Access to information in community development project is absolutely *sine qua non* to circumvent rumour-mongering that was more pervasive in this policy process. All existing community resources notably, CDWs, MPPCs, ward committees and others must be optimally harnessed to communicate project activities. Perhaps, a survey needs to be made to establish the most powerful mode of communication in the community. By look of things it seems as if print and broadcasting (mainly radio and television) media are more accessible. Although the Orlando East MPCC do offer free e-governance facility, but apparently majority of people in the area are not computer literate.

On the basis of the findings, the PSC must utilise the medium to communicate the project objectives, milestones and progress made in the implementation. It must also report on challenges encountered and seek inputs from the community. Furthermore appointment of people into structures of decision-making like the PSC should be depoliticized. As it is not possible to have everyone in the leadership structure, at least those serving in the structures should have and enjoy broader public appeal. Bryden (1995) mentions that, “it is not practically possible to involve the whole community in planning and execution of local development projects.” A long-term strategy is to institutionalise and mainstream public participation by including it into education curriculum to become part of public education system. Thus people need to be taught at very early age about the importance of public participation in public life.

In conclusion, the research report was a culmination of in-depth interviews undertaken with various policy actors in the pilot project (involved and affected), in-depth documentation review and direct observation of the pilot project activities by the researcher. The primary objective of this research was to explore public participation in the pilot project with view to extract valuable lesson that can be used as the basis to bring about effective public participation in the roll out of backyard shelters in Orlando East and Gauteng at large.

Majority of the respondents who participated in the study as well as those observed have demonstrated support to public participation and this holds a possibility for participatory governance in further roll out of backroom dwellings in Gauteng. Acknowledging that Orlando East was less participatory, the government might consider more workable and inclusive implementation mechanisms to ensure that beneficiaries of government service delivery get involved in decision-making that affect their lives.

On the whole, the study has shed a light in terms of importance of effective public participation in decision-making processes in order to foster a sense of community ownership to local development projects. Perhaps a future research could be conducted to investigate viable institutional mechanisms to enable participatory decision-making in community development project.

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APPENDICES

APPENDIX ONE: INTERVIEWS GUIDE

NAME:	**POSITION:**
DATE:	**TIME:**
NO OF PARTICIPANTS:	**VENUE:**
	DURATION:

1. What do you think public participation is all about?
Explain……
……
……
……

2. What does it entails?
Explain……
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……
……

3. Are you involved in this policy process?
Explain……
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……

4. How did you get to know about this policy process?
Explain……
……
……
……

5. What are your roles, rights, and obligations in this policy process?
Explain……
……
……
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6. How did you get to know your roles, rights and obligations in this policy process?
Explain……
……
……
……

7. What are your expectations in this policy process?
Explain……
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……
……
8. In your view do you think the community is encouraged to participate in the policy process? Yes or No
Explain……
……
……
……
9. What methods does the PSC use to encourage you to participate in this policy process?
Explain……
……
……
……

10. In your views, what are opportunities and constraints for public participation arising from this policy process?
Explain……
……
……
……

11. What do you suggest can be done to address constraints arising from this policy process?
Explain……
……
……
……
12. What do you think should be done to encourage public participation in this policy process?
Explain……
……
……
13. What other comments do you have with regard to public participation in this policy process?
Explain……
……
……

……
Thanks a lot for your co-operation.

APPENDIX TWO: NEWSPAPERS-CUTTINGS

Page 2 Orlando Urban News, Friday , May 23, 2008 Got a story? Phone Toni 248-6000

OBD and IFP leader's house set alight

By Toni Molefe

Thanjo Nkomonde's house was on fire in the wee hours of last Friday.

The fire was stopped before damaging lots of property by Nkomonde's family and helpful neighbours.

Nkomonde is the leader of both the Inkatha Freedom Party (IFP) and Orlando Backroom Dwellers (OBD) in Orlando East.

"I don't think this is politically motivated, it was just a jealous or drunk person," Nkomonde said.

Nkomonde has much influence, especially at the hostels were the IFP dominates.

He, with the help of other OBD leaders, once organised a march of both the IFP and OBD's marching to the Multi Purpose Community Centre in Orlando East.

According to Nkomonde, he heard people shouting his name and did not take them seriously as he owns a tavern in his yard.

"At first I thought it was drunken people demanding I open so that they can buy beer.

"But I then smelt a smoke and that's when I recognised that something was wrong," Nkomonde said.

Nkomonde does not believe people hate him to an extend of them burning his house.

"I don't think people hate me to such an extend," Nkomonde said.

A case of malicious damage to property was opened at the Orlando SAPS and the investigations are continuing.


OBD and IFP leader's house set alight

Orlando URBAN NEWS
Number: 136
Friday , May 23, 2008
FREE

Now its the plumbing

By Toni Molefe

Democratic Alliance Party Representative and City of Johannesburg DA Housing Convenor Councilor Tsepo Mhlongo is again unhappy with the workmanship at Orlando East backrooms.

"This time, they are not falling down but there is poor workmanship on the plumbing," Mhlongo said.

An example is one house at Skota Street in Orlando East, where a pipe burst and there were faeces all over the area.

"It was an ocean in Orlando.

"And the quality of the house is so poor, soon I'll be back because it's going to fall like others," Mhlongo said.

According to the owner of the house Thoko Madiba, the pipe burst two weeks ago and she went to report it and no one bothered to come.

"It's their backrooms which caused this.

"They want to appear on the paper first like always before they come to do their work," Madiba said.

The blocked sewerage pipes even affected two of Madiba's neighbours.

Both Esther Mafika and Tebogo Mafoko's houses had the same problems after the pipe blasted at Madiba's houses.

"Our pipes also blocked few hours after it blocked at Madiba's house," Mafika said.

And before the backrooms were built, Madiba says she never had such problems.

"Every time when I saw falling backrooms in the newspapers, I thought it was a lie, now I have proof because the problem is in my yard," Madiba said.

Mhlongo said if contractors were appointed based on their work; things were going to

denied the allegations of falling houses and claimed that they demolished the houses themselves.

"But funny, they claimed they were demolishing the houses

pointing them," Mhlongo said.

The contractor's engineer, who refused to give her name, said there was nothing wrong at Madiba's

it.

"They are fixing it now because it's me who lodged a call, they failed to fix it for the whole week," Mhlongo said.

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there.
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believe
ıgineer

ıannes-
as con-
he pipe
ney im-
ıt to fix