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Public Participation Framework
for the South African Legislative Sector

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LIST OF ACRONYMS

CBO	Community Based Organisation
CO	Community Organisation
FIS	Focused Intervention Study
LSS	Legislative Sector Support
MoU	Memorandum of Understanding
MP	Member of Parliament
MPL	Member of Provincial Legislature
NA	National Assembly
NCOP	National Council of Provinces
PDO	Parliamentary Democracy Offices
PP	Public Participation
PPO	Public Participation and Petitions Office
PPP	Public Participation and Petitions
PPP&CF	Public Participation, Petitions and Communication Forum
SALS	South African Legislative Sector
SALSA	Secretaries' Association of the Legislatures of South Africa
SFSA	Speakers' Forum of South Africa

CONCEPTS DEFINED

Generic concepts that relate to the context of this framework are detailed below. More specific core concepts are defined within the relevant sections.

Public Participation – A Best-fit definition for the South African Legislative Sector:

Public participation is the process by which Parliament and provincial legislatures consult with the people and interested or affected individuals, organisations and government entities before making a decision. Public participation is a two-way communication and collaborative problem solving mechanism with the goal of achieving representative and more acceptable decisions. Other terms sometimes used are 'public involvement', community involvement' or 'stakeholder involvement'[1]

Furthermore, in a diverse society such as South Africa, there is also a need to acknowledge that the term public is inclusive and diverse by its very nature. In this context, there should be a focus on those who are confronted with poverty and lack access to resources, including children, women, people with disabilities and the youth[2].

Public participation is a fundamental dimension of democracy[3] and an important factor in the strengthening and maturing of democracies[4]. The latter is of particular interest and importance in a young democracy like South Africa. Good examples and opportunities are emerging, which, if nurtured, can set a trend, and an example on the African continent and internationally[5].

Public Involvement:

Public involvement is a process wherein people in South Africa exercise their collective and individual initiatives to promote their interests in decision-making and oversight. A public participation framework for Parliament and provincial legislatures takes into account the minimal considerations in facilitating public involvement. These considerations are based on what is appropriate in light of the specific process, content, importance and urgency, as well as the response from the public. The above is dependent on the nature of the process, i.e. whether it potentially affects an identifiable section of the population, and/or whether the potentially affected section of the population is given a proper opportunity to have a say. This also alludes to the provision of meaningful opportunities for the public to participate whether written or oral. Submissions must then be considered and responded to[6].

1 Gauteng Provincial Legislature Parliament Public Participation Strategy, 2011 and Western Cape Provincial Parliament Public Participation Strategy, 2012.
2 Nzimande, 2003.
3 Southall, 2003.
4 Scott, 2009.
5 Girma, 2012.
6 Parliament RSA, Report on the review of constitutional prescripts and constitutional court rulings pertaining public participation, nd.

Participatory Democracy:

The South African Constitution asserts the need for the realisation of a participatory democracy which calls for the active involvement and participation of the citizenry as well as more defined interest groups[7].

Public participation processes serve to strengthen institutions of representative democracy by democratising those institutions. In the most pragmatic sense, in a participatory democracy, the public is actively involved in the decision-making processes of the government. Within this system, two forms of key public 'actors' exist: the citizenry, as represented by parties, and interest groups or stakeholders. In this model, public participation involves a meaningful exchange between the public actors and government.

Civil Society:

Includes a wide array of non-governmental and non-profit organisations; community groups, charitable organisations, labour unions, indigenous groups, faith-based organisations, professional associations and foundations. These have a presence in public life; expressing the interests and values of their members or others based on ethical, cultural, political, scientific, religious or philanthropic considerations.

Stakeholders:

These are people who have a specific and clearly definable interest in what is undertaken and have an interest in the institutional outcome. The Framework refers to them as partners in the design and implementation of better solutions and outcomes.

Co-operative Government:

This is when all spheres of government and all organs of state within each sphere co-operate with one another in mutual trust and good faith by fostering friendly relations; assisting and supporting one another; informing one another of, and consulting one another on matters of common interest; coordinating their actions and legislation with one another; adhering to agreed procedures; and avoiding legal proceedings against one another.

Constitutional Democracy:

A form of government where a constitution is supreme and guarantees basic personal and political rights; fair and free elections; and an independent judiciary. In a constitutional democracy, the structures, powers as well as limits of government are set forth in a constitution. Most rights within a constitutional democracy are also balanced with responsibilities.

Good Governance:

Epitomised by predictable, open and enlightened policy-making, a bureaucracy imbued with a professional ethos acting in the furtherance of the public good, the rule of law, transparent processes, and a strong civil society participating in public affairs.

7 Op.cit. Scott.

Organs of State:

This is any state institution in the national, provincial or local sphere of government or any other functionary or institution exercising power or performing a function in terms of the Constitution of the Republic of South Africa or a provincial constitution. Also, performing a public function in terms of any legislation, but this excludes a court of law or a judicial officer.

Oversight:

This is the proactive interaction initiated by a Legislature with the executive and administrative organs that encourages compliance with the constitutional obligation of the Executive and administration to ensure delivery on agreed-to objectives for the achievement of government priorities.

Legislature:

It includes Parliament (National Assembly and National Council of Provinces and all provincial legislatures). They are institutions constitutionally charged with the responsibilities of making laws; conducting oversight over the Executive; facilitating public participation and co-operative governance.

SECTION 1
Introduction

"... the people of South Africa finally chose a profoundly legal path to their revolution, those who frame and enact a constitution and law are in the vanguard of the fight for change. It is in the legislatures that the instruments have been fashioned to create a better life for all. It is here that oversight of government has been exercised. It is here that our society in all its formations has had an opportunity to influence policy and its implementation".[8]

Since the advent of democracy in 1994, the South African Legislatures have been focused on repealing unconstitutional laws, passing transformative laws, building democratic and transparent legislatures responsive to the demands of the transformation agenda, and overseeing the establishment of new institutions to promote democracy and human rights. A strong emphasis was placed on the function of law-making.

In the second decade of democracy, the focus has shifted to the effective implementation of policies and laws, and overseeing delivery on the ground. In the third democratic Parliament (2004–2009) there was an active move towards strengthening the core functions by developing strong oversight and public participation strategies within the Legislative Sector in line with its constitutional mandate.

The strategic focus also shifted to strengthening the Legislatures of South Africa to ensure that they become the backbone of a successful representative and participatory democracy. Through the Speakers' Forum of South Africa, Parliament and the provincial legislatures resolved to organise as a legislative sector and engage in efforts aimed at asserting the sector against potential threats to its independence. This has been done with due regard to the autonomous nature of all Legislatures.

The SA Legislative Sector has an obligation to facilitate public participation and education. In order for effective education and public participation to take place, it is essential that the SA Legislative Sector is able to operate within a structured framework of participation that is aligned, transparent, accountable and which promotes fundamental democratic rights and social justice. In keeping with this vision, the SA Legislative Sector has ensured that engagement of stakeholders forms a key element of the development of such a Public Participation Framework[9].

8 President Nelson Mandela's last speech to Parliament, 26 March 1999.
9 Report on Current and Best Public Participation Practices in the South African Legislative Sector, 2013.

The development of a sector-wide Framework for Public Participation for the SA Legislative Sector will provide a documented platform for shared understanding, alignment and minimum requirements and guidelines for Public Participation that each individual institution can utilise, customise and use as a benchmark. This framework includes a comparative analysis, a best-fit approach; good practices in terms of Public Participation and possible best practices within the sector.

All the critical, basic and common elements related to Public Participation are captured in this framework to ensure its robustness and sustainability. This document puts forward the above elements and encapsulates the various processes that have been undertaken (desk-top research, interviews, focus groups and comparative studies) in order to derive at a sector-wide Framework for Public Participation.

SECTION 2
Historical Context

South Africa's history was characterised by high levels of state authoritarianism and state-societal conflict from colonial times through to the beginning of a fully representative democracy in 1994. Strong social movements opposing the apartheid state arose between the 1950s and 1980s. Thus, a large amount of civil society activity surfaced around the struggle against apartheid. A range of political formations, labour, civic and youth organisations played a central role in mobilising communities, particularly in the 1980s. This period, largely signified the era of the advancement of the concept of 'People's Power' towards a 'People's Government'. This experience of democratic participation provided the basis for our democracy. For most activists and communities, exposure to active political participation came through trade unions, local community structures (street committees and people's courts), civic associations and youth organisations. South Africans of all political persuasions came together in a multitude of groupings to form organisations, which furthered democratic principles.

The nature and focus of public participation changed dramatically with the drafting of South Africa's new constitution in 1996. The policy making process followed by the South African government has changed since 1994. Prior to the election of the first democratic government, policy making was a closed affair with very little, if any public participation. This has changed with the new South African Constitution, which asserts that South Africa is a representative and participatory democracy. The Constitution provides for public access to and involvement in the legislative process. Participation in the legislative process is open to all including the organised and powerful, the marginalised and unorganised. The legislative authority of the nine provinces in South Africa is vested in the provincial legislature of each province. Provincial governments are spheres of government, removed from the national government, and thus legislation and policies are more likely to directly affect the people of that particular province. It is therefore the responsibility of each provincial legislature to ensure that all the necessary steps are taken to ensure that public opinion is taken into account in decision-making.

The intention of public participation provisions in the Constitution is clear – to influence government policy outcomes so that they reflect *"the will of the people"*. Therefore, a vibrant civil society plays an indispensable role in a democracy. It facilitates public engagement with government organs, including legislatures, and ensures that institutions, policies and laws enjoy legitimacy among citizens[10]. An activist parliament, and legislatures, cannot be sustained without an activist people, an activist society. Parliament and legislatures are, in fact, meant to be people orientated – hence a 'People's Parliament', and legislatures. One of the defining features of an activist Parliament and legislature is that it should seek to involve all citizens in issues of governance for better service delivery and development. As a key institution of democracy it does not only hold government accountable, but is itself accountable to the citizens. The key provisions in the

10 Nyembezi and Waterhouse, 2012.

Constitution provide for our Parliament and legislatures to be the most effective, transparent, democratic and powerful in the world.[11]

While South Africa has undergone profound political changes, it is also the case that the prevailing socio-economic conditions are largely determined by the apartheid past. Improving public participation in the legislative activities of this country would serve as an impetus to empowering those affected by poverty to influence the policy agenda and its implementation. Indeed, the founding principles of the current government clearly indicate its commitment to this course. The legislatures provide a vital interchange for the public to engage with law and policy makers on questions of socio-economic transformation[12].

11 Carrim, 2010.

12 Strategic Framework for Public Participation in the SA Legislative Sector, 2009.

SECTION 3
The Legal Framework

3.1 Promotion of Public Participation as a Constitutional Imperative

While the concept of a 'democratic state' refers to diverse forms of citizen participation and representation in the political sphere, the specific rights, duties and obligations of both citizens and the state are enshrined in South Africa's constitutional democracy. Here the ambition to move beyond simple representative democracy (i.e. mere participation in elections) to a more complex participatory democracy framework occurs through constitutional provisions intended to enable citizens to participate in a number of direct ways to ensure oversight and accountability. These constitutional obligations are there to ensure a 'living' democracy in terms of the ways in which citizens perceive they have the political agency to influence law-making. Promoting public participation in the legislatures, according to the Constitutional mandate, is not only important to promote a people-centred democracy, it is also critical because it strengthens the functioning of the legislatures.[13] Effective public participation can improve the capacity of legislatures to fulfil their role to build "a capable, accountable and responsive state that works effectively for its citizens".[14]

3.2 The Constitution of the Republic of South Africa, 1996

Section 1: Founding Values

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

(a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.

(b) Non-racialism and non-sexism.

(c) Supremacy of the constitution and the rule of law.

(d) Universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government to ensure accountability, responsiveness and openness.

Chapter 4: Parliament

Section 56 – Evidence or information before National Assembly

The National Assembly or any of its committees may –

13 Submission by CLC, University of the Western Cape and PSAM, Rhodes University.

14 National Planning Commission, Vision 2030.

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

Section 59 – Public access to and involvement in National Assembly.

(1) The National Assembly must:
   (a) facilitate public involvement in the legislative and other processes of the Assembly and its committees; and
   (b) conduct its business in an open manner, and holds its sittings, and those of its committees, in public, but reasonable measures may be taken to
   (i) regulate public access, including access of the media to the Assembly and its committees.

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

Section 69 – Evidence or information before National Council

The National Council of Provinces or any of its committees may –

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

Section 70 – Internal arrangements, proceedings and procedures of National Council.

(1) The National Council of Provinces may –
   (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement.

Chapter 6: Provinces

Section 115 – Evidence or information before provincial legislatures.

A provincial legislature or any of its committees may—

(a) summon any person to appear before it to give evidence on oath or affirmation, or to produce documents;

(b) require any person or provincial institution to report to it;

(c) compel, in terms of provincial legislation or the rules and orders, any person or institution to comply with a summons or requirement in terms of paragraph (a) or (b); and

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

Section 116 – Internal arrangements, proceedings, and procedures of provincial legislatures. (1)

A provincial legislature may—

(b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement.

Section 118 – Public access to and involvement in provincial legislatures.

(1) A provincial legislature must

(a) facilitate public involvement in the legislative and other processes of the legislature and its committees, and

(b) conduct its business in an open manner, and hold its sittings, and those of its committees, in public, but reasonable measures may be taken

(i) to regulate public access, including access of the media to the legislature and its committees.

3.3 The Right to Participate in Law-Making and all other Legislative Processes

One of the founding values of the Republic of South Africa, as set out in the Constitution, is a system of democratic government to ensure accountability, responsiveness and openness.

The Supreme Court of Appeal in *King and Others v Attorneys Fidelity Fund Board of Control and Another* found that the abovementioned value is contained in the constitutional requirement that the rules and orders of the National Assembly for the conduct of its business must be made with due regard not only to representative democracy but also to participatory democracy.

The Court further found that;

"[i]t also finds expression in the National Assembly's power to receive petitions, representations or submissions from any interested persons or institutions, its duty to facilitate public involvement in its legislative and other processes and of those of its committees, its duty generally to conduct its business in an open manner and hold its sittings and those of its committees in public, and its duty, generally, not to exclude the public or the media from sittings of its committees."

The value of accountability, responsiveness and openness finds expression in the Constitution also in relation to the National Council of Provinces and provincial legislatures in much the same manner as set out above. Public participation therefore includes the duty to facilitate public involvement in legislative and other processes; the duty to conduct the business of a legislature in an open manner and hold plenary sittings and those of committees in public; and the duty not to exclude the public or the media from sittings of the House or committees unless it is reasonable and justifiable to do so in an open and democratic society.

The Supreme Court of Appeal had an opportunity to give content to the concept of public involvement in the case of King. It defined it in the following terms:

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

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

The judgement of the Court in *Doctors for Life* explains the meaning of public involvement and gives guidance on what is expected of legislatures in fulfilling this obligation. The Court found that the plain and ordinary meaning of the words 'public involvement' or 'public participation' refer to the process by which the public participates in something. "Facilitation of public involvement in the legislative process, therefore, means taking steps to ensure that the public participate in the legislative process. That is the plain meaning of section 72(1) (a)." In other words, the duty to facilitate public involvement in the processes of Parliament, either House of Parliament of a provincial legislature envisages action on the part of the Parliament, the relevant House or a provincial legislature that will result in the public participating in the law-making and other processes. Participation is the end to be achieved.

The Court in *Doctors for Life* indicated that legislatures have a significant measure of discretion in determining how best to fulfil their duty to facilitate 'public involvement' in its processes. Furthermore, although the measures required by the constitutional obligation may vary from case to case, a legislature must act reasonably. What is ultimately important is that a legislature has taken steps to afford the public a reasonable opportunity to participate effectively in the law-making process.

Judge Sachs in *Doctors for Life International v Speaker of the National Assembly and Others*:

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

3.4 The South African Legislative Sector Governance Structures

This section[15] demonstrates a clear constitutionally demarcated functional area of Parliament and the nine provincial legislatures. The work of these ten institutions is essentially similar and complementary. However, Parliament has more responsibilities of national competence. The National Council of Provinces is a unique house that weaves all ten institutions together into a people-centred network designed for a common ultimate purpose.

3.4.1 Common constitutional powers of the sector

The Constitution provides for a democratic system of governance, characterised by the principle of the separation of powers among the three organs of state – the executive, legislature and judiciary. The Parliament of the Republic of South Africa and the nine provincial legislatures ("the legislatures") are the legislative organs of state at the national and provincial spheres respectively.

15 This section largely draws on the SA Legislative Sector Policy and Strategic Framework, 2008.

3.4.2 Legislative Authority

Section 43 of the Constitution provides that legislative authority of the national, provincial and local sphere of government is vested in Parliament [National Assembly (NA) and the National Council of Provinces (NCOP)], and in the provincial legislatures and municipal councils respectively.

The NCOP has the role of representing provinces by ensuring that provincial interests are taken into account in the national sphere of government. It consists of nine delegations of ten members from each of the provincial legislatures, six of whom are permanent members (for a five-year period) based at Parliament. Four are special delegates based in the provincial legislatures, and travel to Parliament when necessary. Each delegation is headed by the premier of a province or a person designated by the premier.

In accordance with Section 42(4), the NCOP represents the provinces to ensure that provincial interests are taken into account in the national legislative process. It does this mainly by participating in the national legislative process by providing a national forum for the public consideration of issues affecting the provinces. Local government can, through organised formations, participate in proceedings of the NCOP although they may not vote.

The national and provincial spheres of government have concurrent legislative competence in accordance with schedule 4 of the Constitution. In terms of Section 155(6)(a) provincial legislatures have an obligation to provide for the monitoring and support of local government in their respective provinces. Furthermore in terms of Section 155(7) the legislatures have legislative and executive authority to see to the effective performance of municipalities in respect of those competencies. However, the national government's authority is subject to Section (44)(2).

3.4.3 Oversight Authority

Section 55(2) of the Constitution requires the NA to provide for mechanisms to ensure that all executive organs of state in the national sphere of government are accountable to it, and to maintain oversight of the exercise of national executive authority, including the implementation of legislation and oversight over any organ of state. Similarly, in terms of Section 114(2), provincial legislatures must also provide for mechanisms for oversight. Provincial oversight authority is exercised in respect of areas of concurrent and exclusive provincial legislative competence.

In terms of Sections 92(2) and 133(2) of the Constitution, members of Cabinet and members of the Provincial Executive Councils are collectively and individually accountable to Parliament and provincial legislatures respectively. Cabinet Ministers and the members of the Provincial Executive Councils must act in accordance with the Constitution to provide Parliament and the provincial legislatures with full and regular reports concerning matters under their control.

The oversight role of the NCOP is provided for in Sections 100, 92, 139, 125(4), 66(2), 203, and 201(3) of the Constitution.

3.4.4 Public Participation

The Constitution makes similar provisions with regards to public participation in the NA, the NCOP and the provincial legislatures in Sections 59, 72 and 118 respectively. It provides for facilitation of public involvement in the legislative and other processes of the legislatures and their committees. The respective Houses or committees must conduct their business in an open manner. Reasonable measures may be taken:

i) to regulate public access, including access of the media, to the House and committees; and

ii) to provide for the searching of any person and, where appropriate, the refusal of entry to, or the removal of, any person.

The NA, NCOP and provincial legislatures may only exclude the public, including the media, from a sitting of a committee where it is reasonable and justifiable to do so in an open and democratic society.

3.5 Co-operation between the Legislatures

The Constitution has created legislative bodies that are independent, but are also interrelated and interdependent. In discharging their constitutional mandates, all organs of state within each sphere of government must advance the principles of co-operative governance. Therefore, the legislatures must co-operate with each other in mutual trust and good faith. Parliament and the nine provincial legislatures co-operate and engage in a number of structures on a co-ordinated basis. The following political and administrative forums have been established:

3.5.1 The South African Legislative Sector

The South African Legislative Sector (SALS) is led by the Speakers' Forum of South Africa (SFSA), a voluntary association that has full capacity as a separate legal person distinct from its members. It is composed of the Speaker and deputy Speaker of the NA, the Chairperson and the deputy Chairperson of the NCOP and Speakers and deputy Speakers of all nine provincial legislatures.

The SFSA is chaired by the Speaker of the NA supported by the Legislative Sector Support (LSS) housed within Parliament. The main objectives of the Speakers' Forum are to: develop a common understanding from shared experiences from which a legislative sector evolves; co-ordinate work in areas of common interest; and develop and manage sector-wide programmes.

It operates through a Memorandum of Understanding (MoU) which forms the basis for the formalisation of the SFSA as a body that makes decisions aimed at the development of Parliament and provincial legislatures as a collective. The SFSA has, over the years, embarked on a number of programmes jointly identified as priority challenges in the sector. The aim has always been to develop policy guidelines and operational frameworks for the individual legislatures. Sectoral framework documents have been developed on an oversight model and now public participation.

The Secretaries' Association of the Legislatures of South Africa (SALSA) proactively searches for best practice in the running of the administration in the legislatures, providing technical input, support and making recommendations to the Speakers' Forum on matters of common interest and sector-wide programmes. SALSA also liaises and co-ordinates involvement of Secretaries and deputies in their interaction with other institutions and organisations at provincial, national and international levels.

SALSA works through various forums (composed of employees of the legislatures) in the different functional areas to facilitate the work of the legislatures. The forums meet on a regular basis to share information, knowledge and experience, arrange inter-legislature visits, and share best practices as well as to carry out specific projects and assignments allocated to them by the SFSA and SALSA and other identified topics on their own initiative. The following forums have been established:

- The Legal Advisors' Forum
- The Human Resource Management Practitioners' Forum
- The Public Participation and Communication Forum
- The Knowledge Management Forum
- The Information Systems Forum
- The Table Staff Forum
- The Finance Forum
- The Committee's Forum
- Security Practitioners' Forum.

SECTION 4
Scope of Application

This Public Participation Framework is aimed at and applicable to Parliament and Provincial Legislature in SA. This implies that each of these institutions would need to undertake a comparison of their current processes and practices within Public Participation to the guidelines within this framework, and then to customise their own individual Public Participation strategy to ensure alignment.

It excludes any government departments or stakeholder groups as it does not require them to align their programmes and resources to it.

It is important to note that this framework aims to ensure an improved understanding, practice and reporting on Public Participation across the sector. Mechanisms for sectoral collaboration are included and applicable.

SECTION 5
International Review and Best Practice Analysis

A review of trends and developments in the international arena suggest that public participation has become the focal point of many democracies around the world. There appears to be a shift towards more participatory forms of decision-making; a movement towards new definitions of democratic governance and its relationship with civil society. However, it should be noted that there are limitations to the right to participate in processes of governance.

In South Africa, the legislatures may not exclude the public and media "unless it is reasonable and justifiable to do so in an open and democratic society." Also, in South Africa, legislatures are required to facilitate public participation. Similarly in Uganda, citizen participation in the planning process is guaranteed in its constitution.

Uganda's National Objectives and Directives, and Principles of State Policy state that:

- Government shall take necessary steps to involve the people in the formulation and implementation of development plans and programmes that affect them.

Article 38 (2) of the Ugandan Constitution further provides that:

- Every Ugandan has the right to participate in peaceful activities to influence policies of government through civic organisations.

While legislatures in countries like South Africa and Uganda have a constitutional obligation to facilitate public participation, legislatures that are governed by older constitutional and political arrangements enjoy greater sovereignty. Despite the exclusionary nature of some of the earlier constitutions, in practice public participation has increasingly become a feature of modern democracies.

Participatory democracy is sometimes counter-posed to representative government. But strategies to improve public participation can also be thought of as reinforcing and strengthening representative government – by providing public representatives with information they would not otherwise have, but which is necessary for effective and responsive decision-making. Strategies to facilitate and promote public participation are also critical in ensuring the participation of marginalised and under-resourced constituencies in decision-making by representative bodies. In the absence of special measures, public decision-making is also vulnerable to 'capture' by special interests.

5.1 International Review

The countries reviewed below, including the Austrian experience in **Annexure 3**, illustrate some of the best examples of increases in public participation globally. It also presents a fair balance between developed and developing countries.

Scotland

The Scottish Parliament (2000) proclaimed that "this Parliament was elected on a promise: that policy making would be more open, participative and consultative. That is what the people of Scotland expect of us. "Our success in meeting the promise of openness and accessibility will be a litmus test of our achievement of the wider aspiration of devolution".[16]

This statement by the Scottish Parliament embodies the international trends and developments with regard to the notion of public participation. It reiterates the renewed commitment to and view of public participation as an essential ingredient to democracy. Public participation in practice is regarded as contributing to empowerment and education of the public as well as enhancing the stability and legitimacy of democracies.

Canada

In the Canadian democracy, public participation in government decision-making is now a regular aspect of political life. It became a feature of public policy in Canada from the 1960s and 1970s with the consequence that today decisions by government without public participation are the exception rather than the rule.

Uganda

Hyden and Venter state that "it is quite clear that the people as a whole played the leading role in Uganda's constitution-making process as they demanded a new constitution, suggested the agenda, presented their viewpoints, elected the Constituent Assembly delegates, and continued to exert pressure on them to keep to their mandate".[17]

The mass media contributed to the democratic process by voicing the very concerns of the people, articulating the views of those who disagreed with certain provisions being discussed, keeping a very keen eye on all those who were playing special roles in the process so that they did not manipulate or mislead the people, and exposing any apparent undue influence by government on the outcome of the process[18]. Most observers would agree that the Uganda Constitutional Commission was quite successful in consulting the public throughout the country.

Ethiopia

According to Hyden and Venter[19] "the new Ethiopian Constitution makes a break with past principles of governance in the country. It deliberately marks a new order when it declares that sovereignty emanates from the various ethnic groups. The four-year process of producing a new constitution for the Federal Democratic Republic of Ethiopia was a serious effort to produce a document that was not merely the product of legal minds, but also enjoyed the understanding and support of the people".

16 Op.cit. de Villiers.
17 Hyden and Venter, 2001.
18 Ibid.
19 Ibid

5.2 Public Participation in International and Regional Agreements

International and regional agreements, as well as popular pressure to open up governmental decision-making processes are spurring national governments to take steps to improve transparency, participation, and accountability. At the 1992 Earth Summit in Rio, nations from around the world adopted Principle 10 of the Rio Declaration, which emphasises the importance of public access to information, participation in decision-making processes and access to judicial procedures and remedies. In Agenda 21, the plan of action that accompanied the Rio Declaration, governments pledged themselves to the pursuit of broader public participation in decision-making processes and policy formulation for sustainable development. [20]

In 1998, the United Nations Economic Commission for Europe adopted the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (known as the Aarhus Convention). The Bolivian Summit Declaration (1996) reflected growing co-operation between governments in the western hemisphere on issues relating to public participation, particularly on environmental matters. Bolivia for example has passed a law for popular participation and a national system for community development has been put in place. The Manila Declaration (1982) and African Charter for Popular Participation in Development and Transformation (1990) are further examples of the trend towards public participation.

The above examples clearly illustrate a global shift towards greater public participation.

5.3 Best Practice

The following constitutes an approach to Best Practice in Public Participation:

- **Public Participation:** It includes innovative modes of public education and media campaigns; public consultation (both on how the process should be undertaken and on the substance of the legislation); national dialogue and; other creative means. A good process must balance the interests of competing groups and communities.
- **Representation and Inclusion:** An inclusive process will attempt to draw in all key stakeholders to the process. Efforts should be made to reach out to marginalised sectors of society, including women, young people, people with disabilities, ethnic/religious minorities and indigenous groups, older people, poorer socio-economic and disadvantaged groups, and migrants and non-citizens formally resident in the country.
- **Transparency:** In contrast with the closed elite dominated processes of the past, a transparent process would enable the public, media and civil society to participate by keeping them informed about how the process will be conducted, the modes of appointment and election of their representatives, the adoption process, their role in the process, and by providing feedback about the results of public consultations. Transparency also involves providing for media access at appropriate times.
- **National Ownership:** The principle of "national ownership" requires not only that the process is "people led" but also that civil society and the broader public are provided with opportunities to "own" both the process and the outcomes. Ideally, stakeholders will be engaged at every stage of the process, particularly during the early phases of negotiation on establishing the framework and structure upon which the process is to be established. Space, time, and resources to develop the capacity of inexperienced actors to participate, consult, manage and implement the process effectively must be provided if the process is to engender a sense of national ownership.

20 Op.cit. de Villiers.

SECTION 6
Conceptual Framework

6.1 A Best-fit approach for Public Participation in the South African Legislative Sector

Best Practice vs. Best Fit: The international review revealed that whilst there are lessons to be learnt from international experience in the promotion of public participation in legislative processes, there is a need for the SA Legislative Sector to move from notions of best practice to the idea of **best-fit** in the design of a comprehensive public participation framework. This is because, formalistically at least, current legislation and policy encompasses many of the ideals of best practice and yet, it has been clearly demonstrated, that thus far the implementation of public participation systems and programmes has fallen far short of public expectations.[21]

A number of legislatures have sought to develop a definition for Public Participation. The definition below takes cognisance of these definitions as well as the current definitions detailed above. It is useful to re-iterate that:

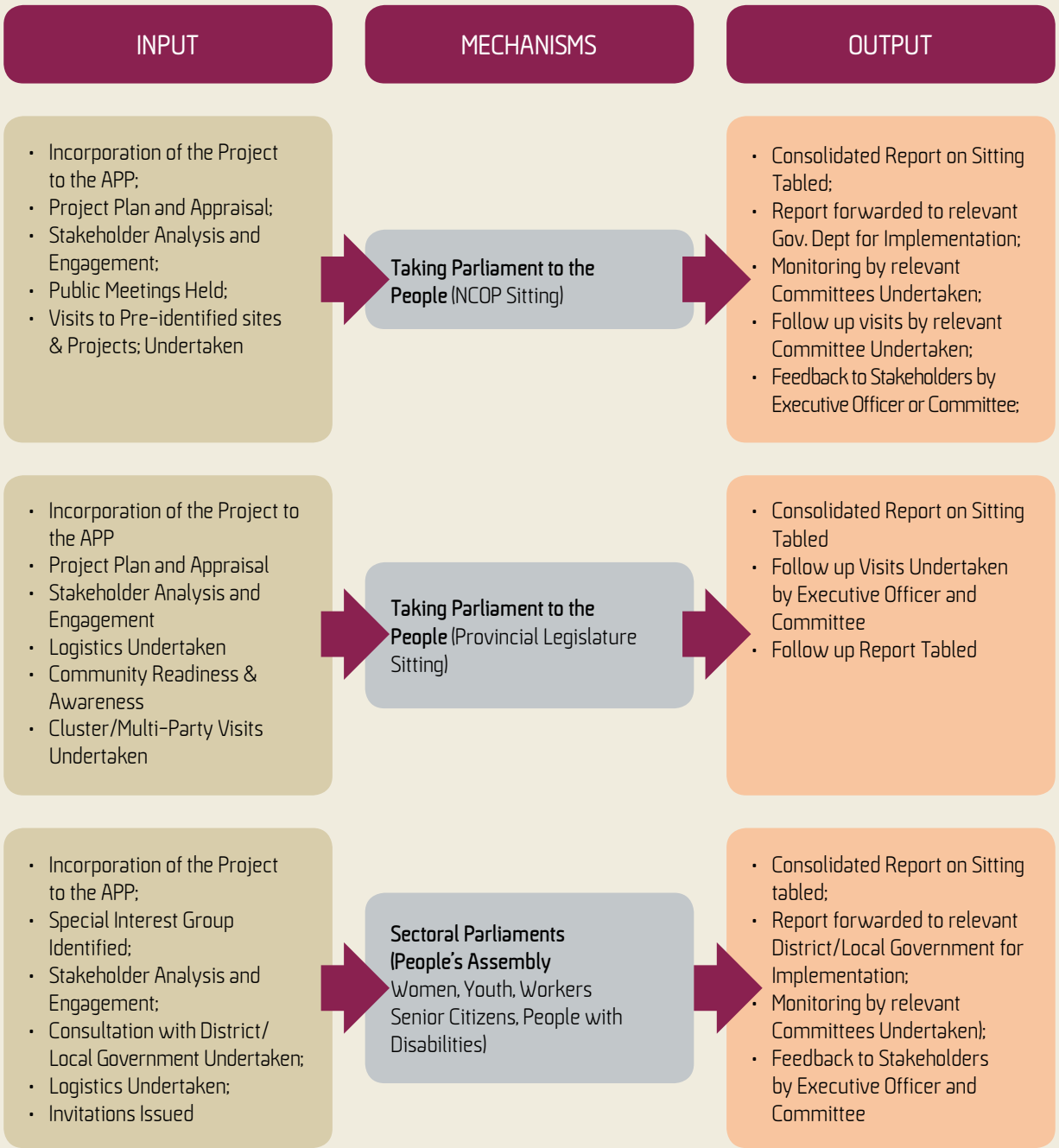
Public participation is the process by which Parliament and provincial legislatures consult with the people, i.e. interested or affected individuals, organisations and government entities before making a decision. Public participation is two-way communication and a collaborative problem solving mechanism with the goal of achieving better and more acceptable decisions. Other terms sometimes used are 'public involvement', 'community involvement' or 'stakeholder involvement'.

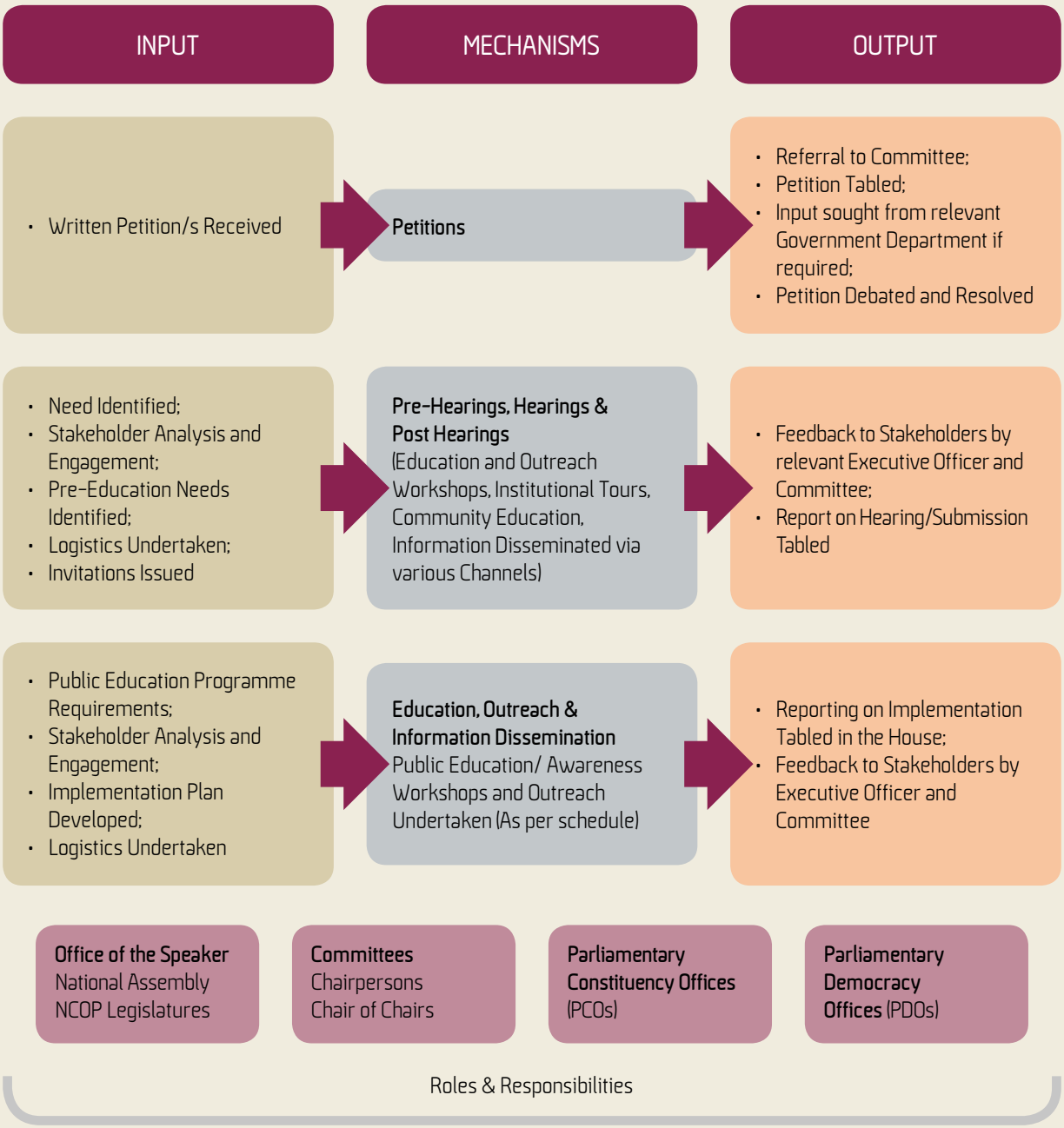
Furthermore, in a diverse society such as South Africa, there is also a need to acknowledge that the term public is inclusive and diverse by its very nature. In this context, there should be a focus on those who are confronted with poverty and lack access to resources, including children, women, people with disabilities and the youth.

Public participation is a fundamental dimension of democracy and an important factor in the strengthening and maturing of democracies. The latter is of particular interest and importance in a young democracy like South Africa. Good examples and opportunities are emerging, which, if nurtured, can set a trend, and an example on the African continent and internationally.

21 Op.cit. Current and Best Public Participation Practices in the South African Legislative Sector.

Figure 1: Best-fit approach to Public Participation





The model above illustrates the flow of public participation related processes within the legislative sector. This model was developed specifically for this framework in order to show visually who the main role-players are within the public participation arena, what the core mechanisms are that are mandated to be used in order to achieve public participation (at all levels) and what high level processes are involved in each of these mechanisms. Each of these mechanisms and related processes are discussed in more detail in section 16 of this framework document.

6.2 Levels of Participation

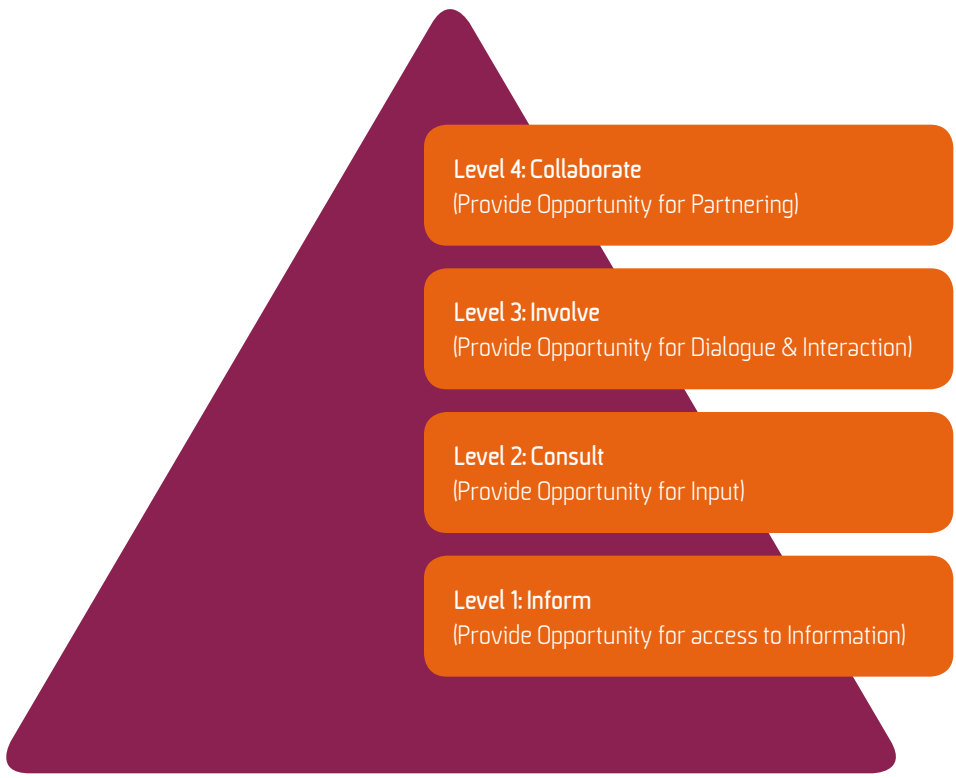
There are a number of recognised levels of public participation internationally.

These are:

- Inform
- Consult
- Involve
- Collaborate

The Figure below which has been adapted from the Ladder of Participation by Arnstein[22], to reflect a best fit approach, depicts that each level of public participation has a corresponding increase in the opportunity for public input to influence or impact the process.

Figure 2: Ladder of Participation



22 Arnstein, 1969.

Each level of public participation on the ladder has a corresponding increase in the opportunity for the public to influence or have input into the relevant process. The following is therefore the spectrum of opportunity for public input into the relevant process[23]:

1. The first level of public participation is to "Inform" the public (e.g., of the status of the proposed project or the relevant process). This level provides the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.
2. The second level is to "Consult". At this level, the public is invited to provide feedback, input or comment on analyses, alternatives and/or decisions.
3. The third level is to "Involve". At this level, the public is provided with opportunity for dialogue and interaction. This could also be described as direct public participation throughout the process to ensure that issues and concerns are consistently understood and considered. However, it is the understanding that the legislature is still the decision-maker.
4. The fourth level is to "Collaborate". At this level, the public is provided with opportunity to partner or work jointly with decision-makers and the identification of the preferred solution. However, as with "Involve", it is still the understanding that the legislature is still the ultimate decision-maker. In the end, all the input received will be taken into account and the legislature will make the final decision.

6.3 Levels of Participation within the Legislative Sector

The Legislative Sector seeks to Inform, Consult, Involve, and Collaborate wherever appropriate in order to achieve the highest level of opportunity for input into the relevant processes. The Public Participation Framework seeks to build towards alignment within the Levels of Participation, thereby ensuring a best fit approach for the Legislative Sector. Meaningful public participation ensures that the appropriate level of participation is utilised on the 'ladder'. A public participation process should provide for levels of participation that are commensurate with the level of public interest. Ideally, the aspiration will be to reach level four (4) "Collaborate", however, this may not be possible yet, therefore level three (3) "Involve" would be most probable at this stage of our democratic and participatory development. Therefore, the over-arching purpose of the Public Participation Framework seeks to move the Legislature Sector to Involvement within the Levels of Participation.

23 This section is largely adapted from the IAP2 Public Participation Spectrum, 2000.

SECTION 7
Goal of the Public Participation Framework

7.1 Overarching Goal

To deepen democracy by seeking ways of achieving Public Participation as mandated.

7.2 Framework Specific Goal

The goal of this Public Participation Framework is to provide a written guideline that contains integration opportunities and minimum norms and standards for Public Participation within the Legislative Sector in order to improve alignment and the practice of Public Participation.

7.3 Objectives of the Public Participation Framework

7.3.1 Overarching Objectives of Public Participation within the Legislative Sector

- to obtain the view of the public on policy, legislation and other processes in order to enrich the decision-making processes of the Institutions;
- to impart knowledge to communities about governance and government matters that affect them so that the pace and relevance of service delivery is improved;
- to obtain information about the experiences of the people with regard to service delivery and government action, so that the Institutions take the necessary action to bring about change.

7.3.2 Specific Objectives of this Public Participation Framework

- To clearly define Public Participation within the context of the Legislative Sector.
- To highlight the principles of Public Participation within the context of the Legislative Sector.
- To develop a "best fit" model for Public Participation for the Legislative Sector.
- To detail the institutional advancement of Public Participation for the Legislative Sector.
- To detail the required institutional arrangements for Public Participation for the Legislative Sector.
- To clarify the roles and responsibilities for Public Participation for the Legislative Sector.
- To detail the mechanisms for Public Participation in the Legislative Sector.
- To provide monitoring indicators for Public Participation in the Legislative Sector.
- To provide evaluation tools for Public Participation in the Legislative Sector.
- To provide recommendations for implementation of Public Participation in the Legislative Sector.

SECTION 8
Principles and Values Underpinning Public Particpation

The Core Values and Principles below have been derived and adapted from a number of sources, including the International Association for Public Participation as well as a number of provincial legislatures.

8.1 Core Values

- Those affected by a decision have a right to be involved in the decision making process.
- Includes the promise that the public's contribution will influence the decision.
- Promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision-makers.
- Seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Seeks input from participants in designing how they participate.
- Provides participants with the information they need to participate in a meaningful way.
- Communicates to participants how their input affected the decision.
- Includes all relevant perspectives

8.2 Principles

- Promotes active and representative participation towards enabling all community members to meaningfully influence the decisions that affect their lives.
- Engages community members in learning and understanding community issues, and the economic, social, environmental, political, psychological, and other impacts of associated courses of action.
- Incorporates the diverse interests and cultures of the community in the development process, and disengage from support of any effort that is likely to adversely affect the disadvantaged members of a community.
- Works actively to enhance the leadership capacity of community members, leaders and groups within the community.
- Utilises a community's diversity to deepen shared understanding and produces outcomes of long-term benefit to the whole community or society.

SECTION 9
Public Participation Policies And Practices

9.1 Public Participation in Practice

The constitutional interpretation of participation, as illustrated, extends the meaning of the concept beyond the ambit of standard definitions. This is particularly evident, for example, in the qualification that not only must the SA Legislative Sector provide opportunities for meaningful public participation in law-making activities, it is also obligated "...to ensure that people have the ability to take advantage of the opportunity provided"[24].

The Legislative Sector needs to ensure that participation occurs in ways that will not compromise democratic law-making. It is important to note that the legal imperative has provided considerable impetus to Public Participation practices in the SA Legislative Sector. In 2006 the Birchwood conference was held in response to repeated constitutional challenges to PP practices by civil society organisations. The conference, which brought together representatives from all the legislatures and stakeholders from the SA Legislative Sector, including those from civil society organisations, produced a number of important recommendations the most noteworthy of which was the need for public participation to be mainstreamed across all committees.

Mainstreaming is important because, as the implementation of gender policy has demonstrated in many countries including South Africa, assigning responsibility for the advancement of a particular right to a specific unit or committee generally leads to a silo effect. This is problematic, because the systematic advancement of such rights generally requires a multi-sectoral approach, involving actors from a broad spectrum of state institutions.

This section, consequently, also evaluates the degree to which Public Participation practices are mainstreamed in the SA Legislative Sector by examining the degree of coordination between parliamentary Public Participation structures and practices and those at provincial level.

9.2 Operational Understandings of Public Participation

A review of current policies, definitions and understandings of public participation reveals that there is little common operational understanding of Public Participation in the SA Legislative Sector, although there are similar practices. The lack of a common guiding framework for Public Participation across the provinces, furthermore, has led to a considerable variance in emphasis and approach and, not unexpectedly, to varying impacts. Typically, the definitions used in provincial Public Participation strategies place emphasis on the need for consultation.

24 Towards a Public Participation Framework for the South African Legislative Sector, 2012.

In order to comply with their constitutional mandate, however, legislatures will need to place more emphasis on a definition which helps to inform practices and mechanisms in such a way that ordinary citizens feel their input has the ability to shape or transform legislation. A broader definition would include an acknowledgement of the specific need to devolve public participation in legislative decision-making.

9.3 Institutions Advancing Public Participation

Historically the Speaker's Office and the Speakers' Forum have been recognized as the custodians of public participation in the SA Legislative Sector. Following the Birchwood Conference, which explicitly acknowledged the need to "empower communities to participate in legislative processes", the Speakers' Forum has placed considerable emphasis on the need for a coordinated approach to the management of public participation.

However, an overview of national and provincial PP structures reveals that there are few synergies between them and a general lack of coordination prevails. Thus, despite the recognition of the need for inter-governmental coordination, Public Participation practices continue to be framed separately at national and provincial levels.

It is important to record, however, that structures for the advancement of Public Participation have been established and that they are being continuously strengthened at both national and provincial levels respectively. Nevertheless, the discussion which follows indicates that there is considerable scope for further development across national and provincial structures responsible for PP and for the development of standard operating procedures (SOPs).

9.4 National and Provincial Public Participation Structures

At the level of Parliament there are three structures responsible for the advancement of public participation, the most significant of which, as indicated, is the Office of the Speaker.

9.4.1 The Office of the Speaker

The Office of the Speaker in the National Assembly and Provincial Legislatures and the Chairperson of the National Council of Provinces plays a key leadership role in promoting effective Public Participation.

In 2009, the Speakers' Forum adopted the recommendations of the Birchwood Conference (and in particular the commitment to mainstreaming participation), thus assigning them the status of resolutions. Emanating from this, the need to develop a comprehensive Public Participation Framework was identified as a key priority. From 2010 onwards the development of this framework has formed part of the Sector Action Plans and has been supported by the SA Legislative Sector Public Participation and Communications Forum which is in turn supported by the Legislative Sector Support.

9.4.2 Parliamentary Democracy Offices

The establishment of Parliamentary Democracy Offices is an initiative of Parliament to take parliament to the people. The project is in its pilot stage with three offices having been established in the Northern Cape, North West and Limpopo provinces and with coordination provided by a Parliamentary Democracy Office based in Parliament. The mandate of the project is to "... reach out and serve communities in the provinces, particularly in the rural, under-serviced, and under-resourced areas, and to facilitate their involvement and participation in the legislative and other processes of parliament".

The objectives of the Parliamentary Democracy Offices are to take national debates to all reaches of society and to "... facilitate public involvement in the legislative and other processes of both the National Assembly (NA) and the National Council of Provinces (NCOP) and their provinces according to the parliamentary strategic plan."[25]

It is not clear from the description of the objectives of Parliamentary Democracy Offices the extent to which they interact (or are intended to interact) with provincial Public Participation structures in order to prevent overlap or duplication in the delivery of education and information programmes, especially in rural areas where Apartheid governance has left a legacy of low literacy and poor education.

9.5 Combined National and Provincial Public Participation Structures

Certain structures operate at both national and provincial levels of the Legislative Sector although it is not clear if the issues dealt with are addressed in a coordinated way.

9.5.1 Sectoral Parliaments

Sectoral Parliaments have been created at Parliament and provincial legislatures so that issues affecting identified special interest groups can be raised for discussion by them and for expert opinion on their concerns to be heard. Along with the People's Assembly, Sectoral Parliaments have been established for Women, Youth, Workers, Senior Citizens and People with Disabilities. These structures help to take Parliament to the People by establishing platforms for citizen engagement in legislative processes in community venues which are easily accessible to the public.

Sectoral Parliaments have proven to be successful in terms of providing formal spaces for Public Participation. However, it is stated that "(a)t times, bad planning and delays in taking enabling decisions for programmes such as sectoral parliament's lead to faulty organisational work and may contribute to poor attendance by targeted communities or sectors of society"[26].

As a further initiative of 'Taking Parliament to the People,' the National Council of Provinces (NCOP) occasionally sits "... at a predetermined location to interact with the community on issues of service delivery'[27].

This formal space for participation also brings together Members of Cabinet at National and Provincial levels and Municipal Councillors, thus facilitating direct interaction between the public and political leaders from all three spheres of government. Accordingly, "...it promotes engagement at grassroots level, promotes co-operative governance by bringing the three levels of government together, promotes the visibility of Parliament in the provinces, and empowers local communities. This programme is considered the most effective mass public participation practice in Parliament"[28].

Feeding the inputs from these informal parliamentary debates into formal committee channels has been less successful. It is also stated that "(t)here is little or no feedback or follow up to the public following public engagements such as the Youth Parliament, Women's Parliament and the People's Assembly (PA) respectively. There is no formal procedure to process the reports from these assemblies which lead to important recommendations being lost, except 'Taking Parliament to the People' which processes the report through the House and refers it to the Committees for further processing"[29].

25 Ibid.
26 Ibid.
27 Ibid.
28 Ibid.
29 Ibid.

It is also noted that not all racial groups attend Sectoral Parliaments and 'Taking Parliament to the People' processes, and there is a notably absence of white South Africans. The report states that Parliament thus faces a challenge to get other racial groups to participate and have their voices heard[30]. However, it is not clear the extent to which other racial or ethnic groups may or may not be participating, or why this might be so.

9.5.2 National and Provincial Standing and Portfolio Committees

As a traditional form of democratic participation, the public has access to all sittings of the House as well as standing and portfolio committee meetings. It is indicated that "... a distinction must be made between participation in and observation of parliamentary/committee activities that promote actual public participation. Attendance of meetings by the public informs them about the issues at hand but they do not participate, unless they are specifically invited to address the committee on specific issues"[31]. As a consequence, attendance of these committees represents a very limited form of participation, as it relates mostly to information sharing.

9.5.3 Constituency Offices

Constituency Offices are the 'structural outreach' of the SA Legislative Sector, and are potentially a powerful vehicle for bringing about interaction between MPs/MPLs and their constituencies. As indicated, "(t)hese offices as extensions of Parliament, serve to bridge the divide between the seat of Parliament and the people... These offices play a critical role in communicating the programmes of government and also to hear concerns (sic) that the public has on the delivery of services by government institutions"[32].

However, administrative support to constituency offices is poor, with just one administrator generally assigned to each and with no research support available. It is also evident that MPs struggle to find time to work in their constituency offices. In that connection, "(t)he time made available to Members of Parliament (MPs) to spend in their constituencies is limited due to the parliamentary programmes. This militates against meaningful interface"[33]. This lack of contact is underscored by data from IDASA's Afrobarometer which indicates the majority of South Africans do not know the name of their MP[34].

9.6 Provincial Level Public Participation Structures

9.6.1 Public Participation Units

Dedicated Public Participation Units (PPUs) exist in some provinces, while others use Communications Units for this function. However, in a number of provinces Public Participation units exist in name only. It is also not clear from Provincial Legislature Performance Plans who is responsible for evaluating the effectiveness of PP structures and practices.

30 Ibid.
31 Ibid.
32 Ibid.
33 Ibid.
34 See (http://www. IDASA.org/afrobarometersurveys).

The Western Cape Public Participation Strategy, for example, states forthrightly that, "(t)he Public Participation Unit has basically been non-existent for many years"[35]. Furthermore, there appears to have been little budgetary oversight of PPUs or of provincial legislature expenditure on public participation activities[36].

Thus, for example, in the North West Provincial Legislature, expenditure on public participation appears to have dropped to zero, after gradually decreasing expenditure from 2008/9 onwards[37]. This is not explained by the performance targets that still list PP as a key priority. In some provinces, such as Gauteng and Free State, there have been moves to set up standing committees on public participation to encourage more active PP programmes and interaction with citizenry, but the success of these initiatives has yet to be demonstrated[38].

9.6.2 National and Provincial Mechanisms to Promote Public Participation

Parliament and provincial legislatures have common mechanisms to ensure that the public have the ability to engage in law making through education, outreach and information dissemination; the ability to propose, comment or criticize in both written (petitions) as well as oral (pre-hearings and hearings) form. These mechanisms unquestionably promote Public Participation, although they also have limitations.

9.6.3 Public Pre-hearings and Hearings

Public hearings represent the most common form of public participation, and they are usually convened when Parliament or provincial legislatures seek to engage with the general public on a particular issue or a specific segment of the society which might be greatly affected by proposed legislation. However, has indicated, invitations are often sent at short notice and the public have insufficient time to prepare inputs[39].

Furthermore, as part of a commitment to improve public access to hearings, both Parliament and provincial legislatures have made progress in providing transport for those in poor and/or rural areas to attend. They have also, as mentioned, begun providing pre-hearing briefing sessions to ensure that invited participants have the ability to engage meaningfully. While this latter initiative represents a positive development, it is not consistently implemented across the Legislative Sector. This is unfortunate as, in many cases pre-hearings are a "sine qua non"[40] for meaningful participation for those from poor and disadvantaged backgrounds who might lack background on the issues under discussion.

9.6.4 Petitions

At both national and provincial level, the submission of petitions remains a potentially powerful form of direct democracy. The Legislative Sector provides detailed guidelines for the writing and submission of petitions.

While, as indicated, seven of the ten legislatures have in place formal processes for dealing with petitions, there is no standardised format for submitting and processing petitions in these institutions or even within provinces.

35 Western Cape Provincial Parliament, 2012.
36 Buccus and Hicks, nd.
37 North West Provincial Legislature, 2012.
38 Op.cit. Buccus and Hicks.
39 Ibid; Op.cit. Towards the Development of a Public Participation Model for Parliament.
40 Refers to an indispensable and essential action, condition, or ingredient.

9.6.5 Education, Outreach and Information Dissemination

Education, outreach and information dissemination represent key elements of the SA Legislative Sectors' commitment to ensuring effective public participation, since it is clear "without information, participation is not possible"[41].

Strategies at both national and provincial levels include educational workshops, tours of Parliament, school education and information programmes, focused media strategies including the use of community radio stations, websites, the Government Communication and Information System (GCIS) and municipalities to reach all sectors of the community.

Many provincial legislatures have produced information leaflets, while some have developed Public Participation strategies. The Gauteng Legislature has both a Public Participation strategy document outlining provincial mechanisms and strategies, as well as a detailed Public Education booklet[42].

The Western Cape Legislature has had a Public Participation Strategy since 2008/9[43]. However, both national and provincial legislatures have experienced difficulty in reaching the more remote areas due mainly to problems of access. It is also evident that the design of communication strategies imposes limits on those who do not have the ability and/or technology to access website information. Published information is not disseminated widely and not all publications are published in the relevant provincial languages so as to reach as wide an audience as possible[44]. Public Education Booklets are also not written in simple language, and often appear to have been written for a literate and educated audience.

A further noticeable dimension of public education programmes, which is revealed in an overview of some provincial Annual Performance Plans, is that there is variable expenditure across provincial Public Participation strategies and projects. Furthermore, it appears that Public Participation education strategies at local level target poor and disadvantaged communities, rather than all sectors of the community. This omission has the potential to lead to future criticism from civil society organisations that public participation outreach programmes are exclusionary.

9.7 The Gap between 'Actual Practice' and Aspiration

Although there are both structures and processes in place to ensure Public Participation in legislative processes, it is clear from the above review that there are many gaps between how systems are intended to work and how they actually operate in practice. The evident overlap of activities and lack of coordination between national and provincial Public Participation practices further points to the need for an integrated national Public Participation Framework and the subsequent alignment to the Minimum Standards contained within the Framework.

In this sense much of Public Participation practice in South Africa remains an aspiration. The Public Participation Framework seeks to provide guideline that contains integration opportunities and minimum requirements for Public Participation within the Legislative Sector so as to improve alignment and the practice of Public Participation.

41 Ibid. Towards the Development of a Public Participation Model for Parliament.
42 Ibid. Op.cit. Buccus and Hicks.
43 Op.cit. Western Cape Provincial Parliament.
44 Op.cit. Towards the Development of a Public Participation Model for Parliament.

SECTION 10

Institutional Advancement for Public Participation – policy, strategy, programmes and projects

Institutional advancement consists of the following two levels in order to ensure a more integrated and common approach to Public Participation within the legislative sector.

These levels are:

1. Institutional level (at the level of each individual institution)
2. Sector level (across the various institutions)

This document provides a sector wide framework for Public Participation and contains a set of guidelines for implementation and minimum requirements to ensure an improved common approach across the legislative sector.

In order to ensure institutional and sector wide advancement of Public Participation, the following is required:

- Each individual institution, after adoption of the Public Participation Framework, is required to take stock of their current Public Participation processes, practices and resources and compare this to the minimum norms and standards as outlined within the Public Participation Framework;
- Thereafter, each individual institution needs to adapt and adopt a model of public participation as outlined and guided by the framework;
- Thereafter, each individual institution is to develop a unique Public Participation strategy. This strategy is more specific than the sector wide Public Participation Framework, but contains the minimum norms and standards within the unique context and available resources of that institution.

It is important to note that each individual institution should have only one strategy for public participation, and the strategy needs to contain the public participation requirements from each committee. The strategy needs to be comprehensive and a process of involvement and consultation with all committees and role-players will be needed before the strategy can be developed. The strategy would need to be reviewed and updated for each financial year.

The strategy should focus specifically on the following components:

- Purpose of Public Participation for that institution
- Strategic objectives for Public Participation for that institution
- Outline the model of Public Participation
- Identification of high level programmes of action inclusive of requirements from individual committees (e.g. Public Education)
- Identification of specific projects inclusive of requirements from individual committees (e.g. Specific events linked to the programmes of action)
- Each programme and project needs to be detailed in terms of who, what, when and resources allocated (Action Plan Format)
- Specific measures (indicators) need to be linked to these projects and programmes, and these measures should be included in the Annual Performance Plan of that institution.

SECTION 11

Mainstreaming of Public Participation Processes: Planning, Co-Ordindation and Reporting

Institutional coordination for Public Participation includes the areas of planning, co-ordination, reporting and feedback. It is essential that within each institution these four institutional tools are embraced as they ensure the coordination of Public Participation within that institution.

- **Planning:** Each committee would provide its requirements in terms of Public Participation, derived from its planning process each year. These requirements need to be communicated clearly and timeously to the Public Participation unit for scheduling and resourcing which is to be outlined in the strategy;
- **Co-ordination:** To ensure co-ordination across all of the Public Participation mechanisms within that institution, other units other than just the Public Participation unit would be required to co-operate and pool resources and scheduling. These other units would include research, legal, Hansard and languages, supply chain, finance, committee services, communication and house proceedings. The co-ordination between these units is detailed in the model and strategic plan, inclusive of roles and responsibilities.
- **Reporting:** The tangible and audited reporting on Public Participation needs to be formalised within each institution. It is suggested that this be a minimum standard which is undertaken on at least a quarterly basis, through the Chair of Chairs. This reporting process needs to indicate what Public Participation events and processes have taken place each quarter in comparison to what was planned and what improvements or impact this is having on the workings of the institution.
- **Feedback:** Providing feedback to stakeholder groups (and individuals) is a critical area of institutional coordination. Feedback is required in order to "close the loop" between the initial public participation opportunity, and the final action taken on that input. This feedback needs to be tangible and timely – this means that as part of each institution's Public Participation strategy, a clear timeline is pre-determined within which the relevant stakeholder group/ individual is provided with feedback in a form that is useful to them. Suggestions for these timelines and processes are made in this framework under each type of Public Participation Mechanisms.

Resources

Various resources are required in order to capacitate the process of public participation. A list of these as required is detailed below. Each institution, in the development of their Public Participation strategy will need to audit their current available resources against this list and activate opportunities to access the resources that are not available.

Financial:

- Specific Line Item for Public Participation in the budget

Human Resources:

- Appropriate Human Resources for the following areas:
  - Public Participation Management and Co-ordination
  - Public Hearings and Sectoral Parliaments
  - Public Education and Outreach
  - Petitions
- Skills Plan for Public Participation Practitioners, inclusive of training
  - At a minimum, practitioners require: Detailed understanding of Public Participation Practices, Facilitation Skills, Project Management Skills, Utilisation of Social Media Platforms, Conflict Management Skills, and Skills for developing Educational Material.

Infrastructure Resources:

- As required.

Information Technology Resources:

- As required.

SECTION 12
Institutional Arrangements for Public Participation: Structure, Accountabilities and Political Interface

12.1 Political Roles and Responsibilities

It is advisable that a dedicated Public Participation Unit, reporting to the Office of the Secretary should be established. At a minimum the institutional coordination outlined is advisable. Key Roles and Responsibilities for the successful implementation of Public Participation, both at Institution and Legislative Sector Level, are indicated below.

12.1.1 The Speaker

The Speaker, as political head of the institution, bears the responsibility to ensure that the strategy is adopted, implemented, monitored, reviewed and adapted regularly by all the role players.

He or she naturally oversees that all role players in the management of the business of the House (Leader of Government Business, Whips, Chair of Chairs, the Secretary etc.) in the programming, resources allocation etc. should prioritise the implementation of Public Participation.

12.1..2 The Chief Whip and Whips

The Chief Whip of the Majority Party and Whips in negotiating and arranging business before the House must ensure that Public Participation is mainstreamed in the work of each Committee and the House.

12.1.3 Committees and Chair of Chairs

Most of the work of the legislatures takes place in Committees. They would be expected to draw from this document in their annual, quarterly and project planning. Chairpersons of Committees and Committee Co-ordinators would therefore have to internalize and champion the framework.

12.1.4 Constituency Offices:

Constituency Offices are the 'structural outreach' of the Legislative Sector, and are potentially a powerful vehicle for bringing about interaction between Members of Parliament and their constituencies.

These offices serve to bridge the divide between the seat of Parliament and the people.

These offices play a critical role in communicating the programmes of government and also to hear concerns that the public has on the delivery of services by government institutions.

These are utilised to:

- Channel information on legislative processes to communities they serve.
- Facilitate community input into the relevant processes.

Minimum Guidelines:

- Capacitated with information to function as resource centres and disseminators of legislative information to and or for broader communities.
- Constituency period should enhance as much direct contact between Members of the Provincial Legislatures (MPLs) and the public.
- Involved in all Public Participation events/programmes within the relevant Legislature where the office is located.
- Provide assistance to the Legislature by mobilizing stakeholders for Public Participation events/programmes.
- Receive petitions.
- Provide feedback on Public Participation events/programmes to relevant stakeholders.
- Improve co-ordination between constituency offices and ward committees at Local Government Level.
- Resourced to service the whole community irrespective of their political affiliation.

Tools to Consider:

- Social Media strategies for Stakeholder Identification dissemination of relevant information including feedback and the solicitation of input.
- Interactive e-Learning strategies for education of House Sittings, including feedback mechanisms.
- Video Conferencing for co-ordination.

12.1.5 Parliamentary Democracy Offices

As part of a programme to build an effective People's Parliament that is responsive to the needs of the people, Parliament of the Republic of South Africa has embarked on a process of establishing Parliamentary Democracy Offices (PDOs) in all nine provinces, in the under-serviced, under-resourced and deep rural areas to provide all South Africans an opportunity and mechanisms to take part in the legislative processes and activities of Parliament whilst it fulfils its constitutional duty of meaningful public participation and involvement. Pilot Parliamentary Democracy Offices have been established in Limpopo, Northern Cape and North West.

Minimum Guidelines:

- To expand Parliament's access, opportunity and space to be directly in touch and continuously engage with the people who are usually not part of national debates in society.
- To facilitate public involvement in the legislative and other processes of both the National Assembly and National Council of Provinces and their Committees in all the provinces in accordance with the parliamentary strategic plan and annual calendar.
- To help ensure a greater level of efficiency, economy and effectiveness in accessing communities and providing ground and logistical support for parliamentary programmes.

This will be achieved through:

- Conducting public education and provide information about Parliament and its work.
- Providing a platform for people to access and participate in the processes of Parliament.
- Facilitating public input and feedback.
- Providing ground and logistical support for parliamentary programmes and activities.
- Co-ordinating and co-operating with other spheres of government.

Tools to Consider:

- Social Media strategies for Stakeholder Identification dissemination of relevant information including feedback and the solicitation of input.
- Interactive e-Learning strategies to educate the public on House Sittings, including feedback mechanisms.
- Video Conferencing for co-ordination.

12.2 Administrative Roles of Officials

12.2.1 The Secretary

The Secretary, as administrative head of the institution, bears the responsibility to ensure that the strategy is adopted, implemented, monitored, reviewed and adapted regularly by all role players.

He or she naturally oversees that all role players in the management of the Institution (Communications, Information Technology, HR, etc.) involved in programming, resources allocation etc. prioritise the implementation of Public Participation.

12.2.2 The Research Unit

The implementation of the framework requires a dynamic interaction with information and knowledge about communities and phenomena prevalent in communities and the environment. The Research Unit would therefore play a critical role in collecting, analysing and presenting different kinds of information to members at different stages in the process.

12.2.3 The House Proceedings

Public participation processes generate reports that must be considered by the House in order for the recommendations to be formalised and implemented. The House Proceedings Unit of the National Assembly Table would therefore have a direct interest in ensuring that the reports are received, tabled and that the subsequent resolutions are transmitted to the relevant stakeholders or institutions and followed up.

12.2.4 Public Participation and Communications Unit

The Public Participation Unit is central to co-ordinating and driving all efforts in providing the necessary technical, administrative and logistical support to all Stakeholders in realizing effective Public Participation.

12.2.5 Public Participation Enablers

The following are structures and processes that assist in enabling Public Participation.

The following is defined for each:

- Description
- Minimum Guidelines
- Tools to Consider

12.2.6 Information Management

Description:

Focused media mechanisms including the use of community radio stations, websites, the Government Communication and Information System should reach all sectors of the community to distribute relevant information on the Institution and its programmes.

Minimum Guidelines:

- Information Dissemination is required in each of the Public Participation Mechanisms utilised by the Legislative Sector. It is critical to ensure that focus is paid to this within each mechanism.
- Ensure that all information is provided in the languages spoken within the Geographical reach of the Institution.

Tools to Consider:

- Social Media strategies, including cellular technologies, for dissemination of information including feedback mechanisms.

SECTION 13
Public Participation Mechanisms

13.1 Taking Parliament and Legislatures to the People

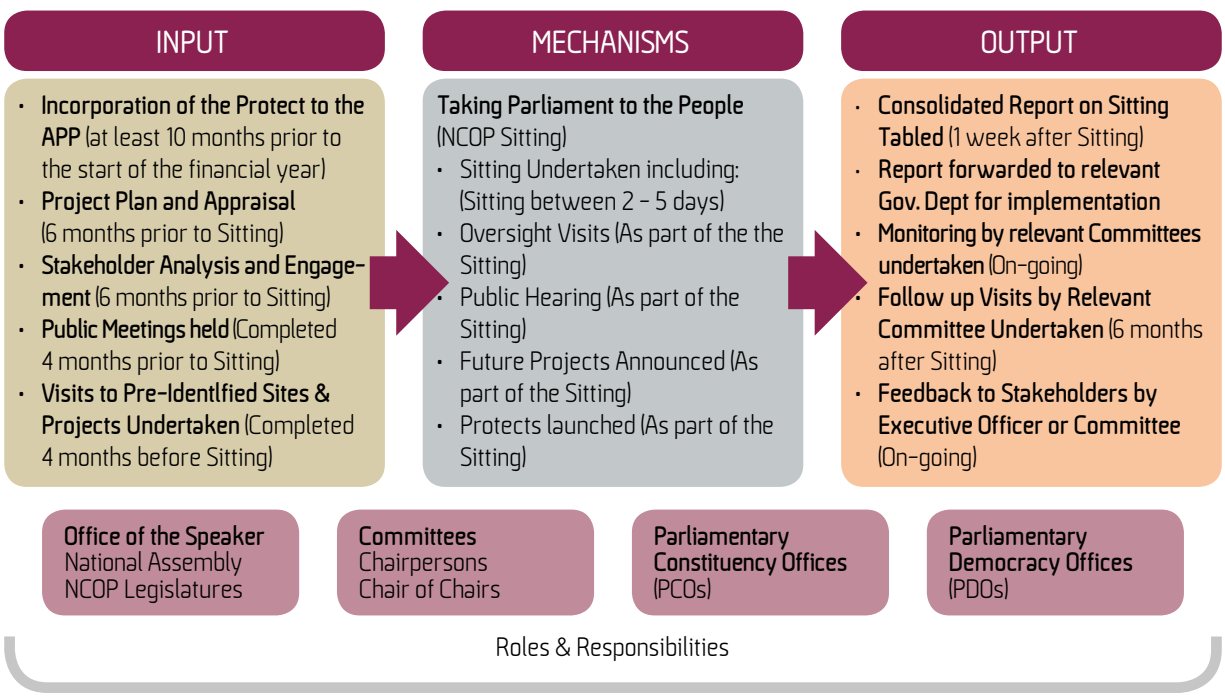
13.1.1 Taking Parliament to the People

The National Council of Provinces (NCOP) periodically sits at a predetermined location to interact with the community on issues of service delivery. This also brings together Members of Cabinet at National and Provincial levels and Municipal Councillors, thus facilitating direct interaction between the public and political leaders from all three spheres of government.

The programme is conducted twice yearly – during March and November.

The last day of the sitting is reserved for the formal sitting of the NCOP, which is addressed by the Deputy President in March and the President in November.

Figure 3: Taking Parliament to the People – NCOP Sitting



Minimum Guidelines:

PRE-SITTING:

1. Interaction with the relevant province to check projects already budgeted for, which of these can be prioritised and which can be completed before the sitting.
2. Undertake an appraisal of projects which could be launched during the sitting.
3. Stakeholders identified and Analysis undertaken.
4. Communication with stakeholders undertaken to establish areas of concern and assistance required in respect of service delivery issues.
5. Public meeting held to solicit views which inform the programme content.
6. Members of the NCOP visit pre-identified sites and projects.

Conducted 6 months before the Sitting

SITTING:

1. Oversight visits conducted to identified sites and projects.
2. Public hearings conducted.
3. Future projects announced.
4. Projects launched.

Sitting is conducted for between 2 – 5 days.

POST-SITTING:

1. Sitting report is prepared.
2. Report is distributed to identified stakeholders.
3. Report is tabled and debated in the House.
4. Once adopted, report is distributed to the relevant government structure for processing or implementation.
5. NCOP Committees, in conjunction with the provincial legislatures, monitor the implementation.
6. After a reasonable time, the House provides feedback to the relevant stakeholders on progress or lack thereof.

Sitting Report is prepared 1 week after Sitting and distributed.

Sitting Report is tabled within 3 weeks after the Sitting.

Implementation is monitored as per time-line agreed within the House by the Executive Officer.

Feedback is provided within 6 months of Sitting by the Executive Accounting Officer and the relevant MEC.

Technology Tools to consider:

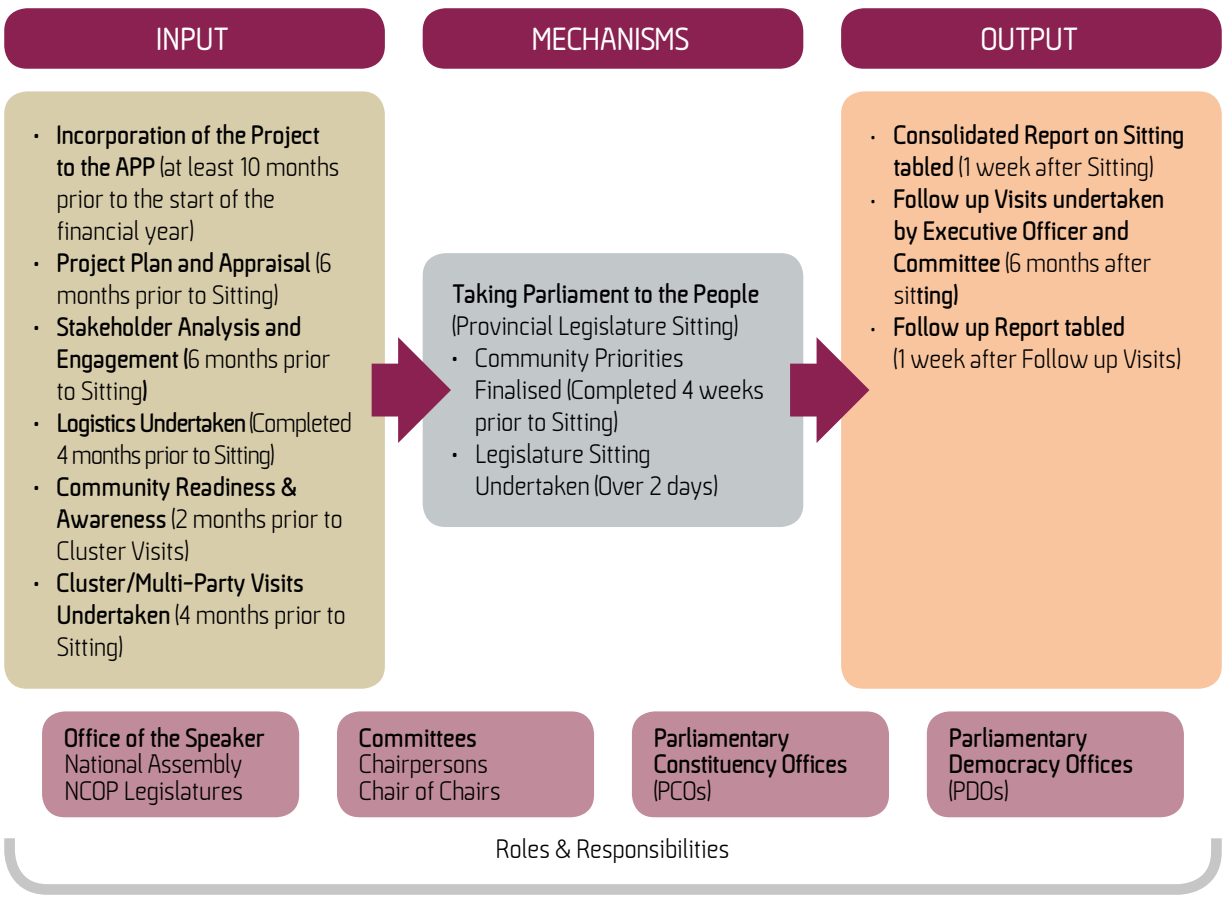
- Social Media strategies for Stakeholder Identification, Issuing of Invitations, Solicitation of Input and relevant communication including feedback.
- Legislature Website utilised for issuing of invitations, solicitation of input and relevant communication including feedback.
- Live Streaming of the Sitting.
- Video Conferencing of Sitting.

13.1.2 Taking the Legislatures to the People:

Similar to the NCOP initiative, provincial legislatures have initiated a process of "Taking Parliament to the People", a process whereby some committee meetings and even formal sittings of a legislature are held in community venues or towns more accessible to the more rural parts of the province.

As a minimum, this initiative should be undertaken at least once a year.

Figure 4: Taking Parliament to the People – Provincial Legislature Sitting



Minimum Guidelines:

1. **Development of a project plan:**

   A project team constituting key stakeholders should be established to develop a project plan and specifications for logistical arrangements.

   To be undertaken 6 months before the sitting

2. **Logistical arrangements:**

   The Supply Chain Management process of appointing (advertising tenders) in respect of service providers (transport, tents, and booking of hotels, catering) is undertaken.

   Supply Chain Process commences 1 week after first meeting of the task team.

   Relevant appointments completed at least 4 to 5 months before the actual sitting.

3. **Community readiness and awareness:**

   Awareness and relevant education workshops in identified areas undertaken.

   Workshops commence at least 2 months before the Cluster visits begin.

4. **Cluster/Multi-Party Visits:**

   Members of the Provincial Legislature (MPLs) visit communities with an intent of listening (directly) to the public on issues of service delivery and pressing needs. This is to assist MPLs in understanding and witnessing levels of service delivery. Inputs by the public are recorded.

   Cluster/Multi-Party Visits undertaken 4 months before Sitting

   Within two weeks of the cluster visits, report/s are consolidated and submitted to the Chair of Chairs through the Office of the Chief Operations Officer.

The purpose for these report/s will be to inform portfolio committees (and possibly the Premier and Leader of Government Business) about the priorities of communities with regard to delivery. Through the respective portfolio committees, MECs will have to forward appropriate reports/questions, and prepare responses for discussion at the upcoming/ next sitting of the Legislature.

The reports/questions to the MECs should be delivered to them at least 4 weeks before the sitting.

5. **The sitting and its programme:**

   The sitting of the Legislature in the community deliberates on issues raised by the public during the Cluster/Multi-Party Visits. Adequate time is allocated for the public to interact with politicians (MPLs and MECs) with regards to service delivery priorities.

   Sitting is undertaken over 2 days.

6. **Follow up and Feedback:**

   A consolidated report of commitments and undertakings made by the MECs is submitted to the Chair of Chairs and Speaker through the Office of the Secretary. The report informs oversight indicators monitored by the portfolio committees.

   Report is submitted 1 week after the sitting.

7. **On-site inspection of the areas in terms of the commitments and undertakings made by the MECs is conducted by the Research and or Monitoring and Evaluation Unit/s.**

   6 months after the sitting.

The resultant reports are submitted to the Chair of Chairs and the Speaker through the Office of the Secretary. The same report/s informs the work of the respective portfolio committees.

Tools to consider:

- Social Media strategies for stakeholder identification, issuing of invitations, solicitation of input and relevant communication including feedback.
- Legislature Website utilised for issuing of invitations, solicitation of input and relevant communication including feedback.
- Live Streaming of Sitting.
- Video Conferencing of Sitting.

13.1.3 Pre-hearings, Public hearings and Post-hearings

Overview:

These must be convened when the institution seeks to engage with the public on a particular issue or with a specific segment of the public which may be greatly affected by proposed legislation, legislation that attracts public interest, and as part of the oversight process.

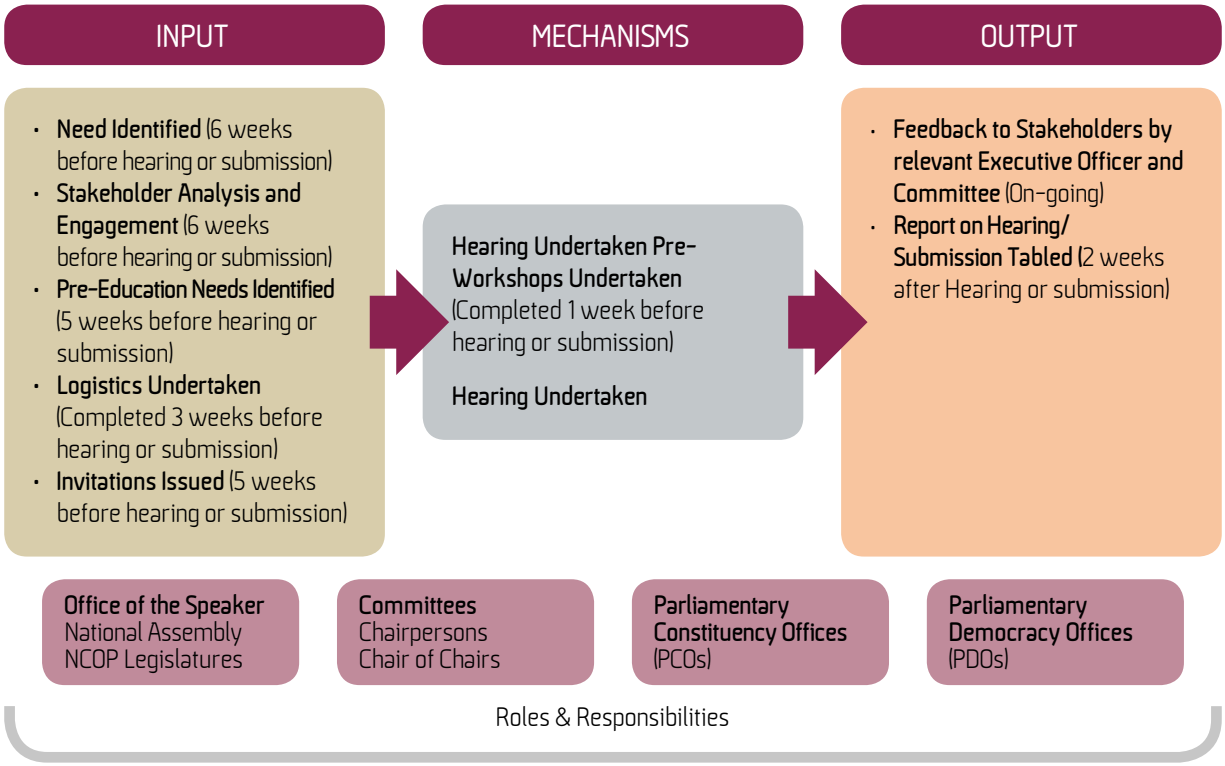
The public is invited to share inputs, views and perceptions on government programmes. This enables direct, formal input from interest groups, stakeholders and individuals into the refinement of legislation.

Before the hearing, pre-hearings are conducted, it should be ensured that relationships with stakeholders are established, effective communication and awareness programme are developed, communities are mobilised, and consultation meetings are convened.

Once the hearing is conducted, a report on the hearing should be tabled in the House for consideration and debate.

There is also an obligation to provide feedback to stakeholders, as well as ensure that the issues are referred to the relevant structures. Feedback is either provided in writing or through meeting platforms.

Figure 5: Pre-hearings, Hearings and Post-Hearings



Minimum Guidelines:

All Legislation under consideration should have at least one public hearing

1. **The need for either a public hearing or a written submission is identified.**

   Minimum Timeframe: 6 weeks beforehand.

2. **Stakeholders identified and analysis undertaken.**

   Minimum Timeframe: 5 weeks beforehand.

3. **Need for pre-education workshops identified based on stakeholder analysis.**

   Undertaken as soon as the need is identified. Completed with 1 week.

4. **Logistical Arrangements undertaken including: venue, operational communication plan, translation of the bill, transport, catering, etc.**

   Supply Chain Process commences 1 week after need is identified. Relevant appointments completed at least 3 weeks before hearing.

5. **Invitations issued.**

   1 week after need identified.

6. **Pre-Educations workshops undertaken.**

   Completed 1 week before hearing.

7. **Public Hearing undertaken.**
8. **Report tabled in the House.**

   Report is tabled 2 weeks after the hearing.

9. **Feedback provided to the stakeholders.**

   On-going.

Tools to consider:

- Timing of Hearings and Pre-Hearings needs to accommodate all sectors of society. Hearings and Pre-Hearings should be held both inside and outside of working hours.
- Social Media strategies for stakeholder identification, issuing of invitations, solicitation of input and relevant communication including feedback.
- Solicitation of input through suggestion boxes.
- Institution's Website utilised for issuing of invitations, solicitation of input and relevant communication including feedback.
- Live Streaming of Pre-Education and Hearings.
- Video Conferencing of Pre-Education and Hearings.

13.2 Petitions[45]

A Petition is a written request, complaint, or representation addressed to the Institution by an individual or group after having exhausted other avenues. This can be either on Service Delivery or Policy Matters.

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

This section is to be read in tandem with the detail of Annexure 1: Petitions Framework.

45 Refer to Annexure 1: Petitions Framework for alignment.

Figure 6: Petitions

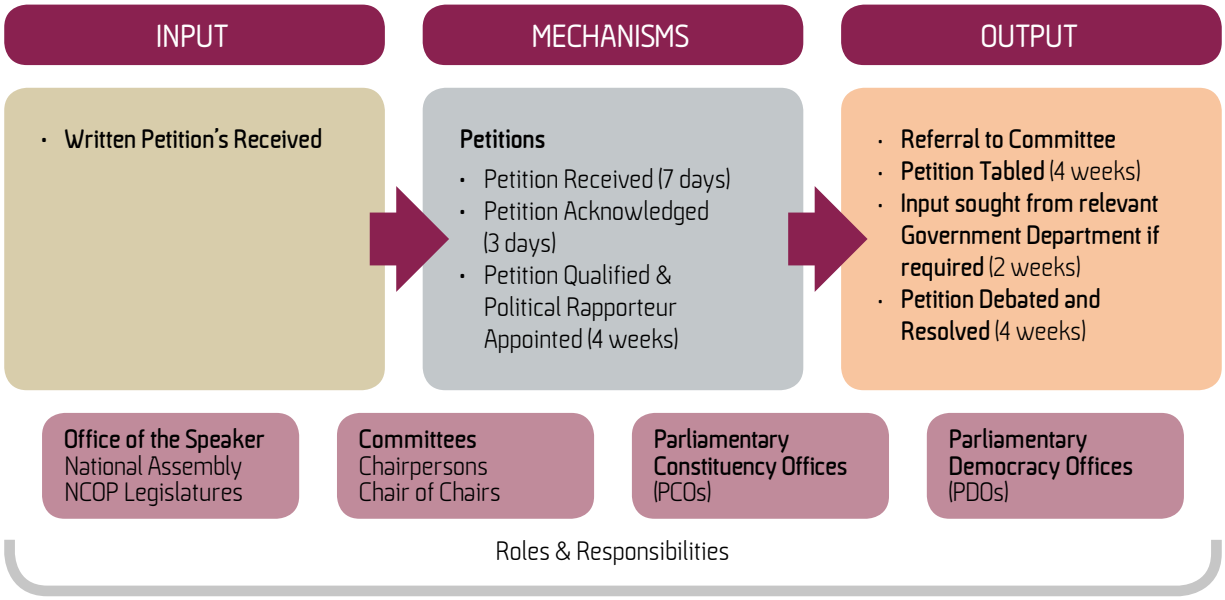


Table 1: Petitions Process

ACTIVITY	RESPONSIBILITY	BASELINE TIMINGS	OUTPUT
Consideration			
Petition received through recognized channels.	Speaker or Delegated individual in Speaker's office	7 Days	Petition forwarded to petition's office for action.
Petition is acknowledged.	Petition's Office	3 Days	Petition is registered in the petition's database; formal communication acknowledging receipt of the petition is sent to the petitioner.
Qualification of petition is undertaken and Political Rapporteur appointed.	Petition's Office	4 weeks	Validation of petition as per definition and scope defined within the Act; Referral for Translation where necessary; Referral to Legal Advisor where relevant; Political Rapporteur is appointed.

ACTIVITY	RESPONSIBILITY	BASELINE TIMINGS	OUTPUT
Preliminary Investigation			
Additional Information Required from Petitioner	Petition's Office	2 weeks	Formal communication is sent to petitioner requesting additional information.
Referral	Petition's Office	4 weeks	Referred to relevant government department or institution for action and report back on steps undertaken to address the petition; formal communication to petitioner informing them of the referral.
Referral: Follow up	Petition's Office	7 days	Follow up is undertaken where no report has been received.
Referral to Committee			
Petition Tabled	Petition's Committee	4 weeks	Petitioner is formally notified that the petition has been tabled for consideration by the Committee; Petitioner is formally notified of the date and time of the committee meeting where the petition will be considered and an invitation to attend extended; Petition is considered by the committee.
Additional Information Required from Petitioner	Petitions Office	2 weeks	Formal communication is sent to petitioner requesting additional information or verbal submission.
Resolution of Petition	Petition's Committee	4 weeks	Matter is concluded by the Committee and the petitioner is formally notified of the outcome.
Appeal			
Petitioner is notified of avenues of appeal	Petition's Office	5 days	Petitioner is formally notified of avenues of appeal

13.3 Sector Parliaments

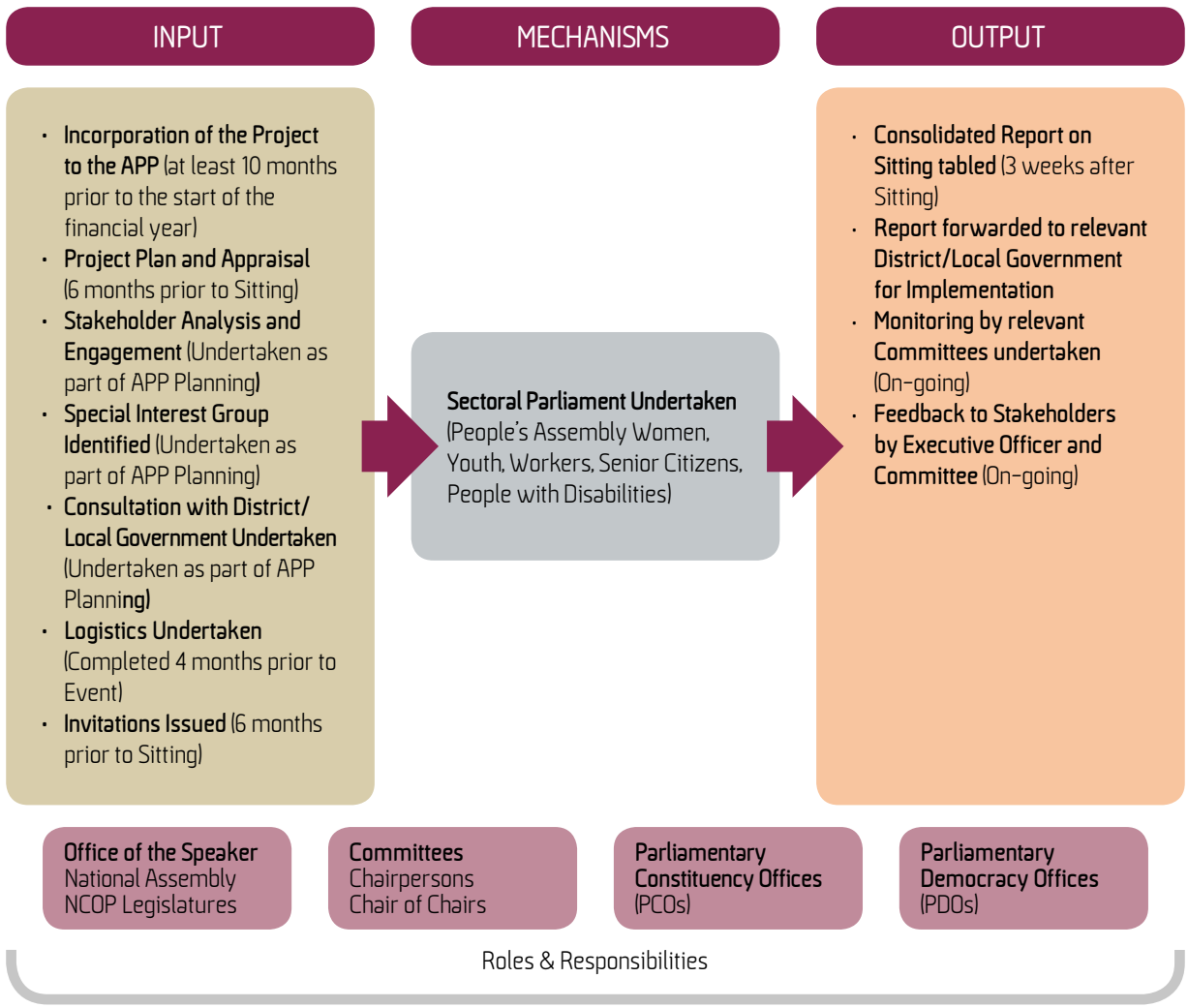
These focus on identified special interest groups by providing them with a platform to raise issues they face on a daily basis relative to service delivery and legislative policies.

The focus of these engages are not only on raising issues for the Institution to address through the relevant Committee but also affords the participants the opportunity to present recommendations or remedial action to the Institution.

The various special interest groups are identified as:

- Workers' Sector Parliament.
- Youth Sector Parliament.
- Women's Sector Parliament.
- People Assembly/Parliament.
- Senior Citizens' Sector Parliament.
- Persons with Disabilities Sector Parliament.
- Any other groups identified through the planning process.

Figure 7: Sectoral Parliaments



Minimum Guidelines:

PRE-SITTING

1. Special Interest Group to be targeted identified.

   Undertaken as part of planning of the Annual Performance Plan.

2. District or Local Government where Sectoral Parliament to be held identified.

   Undertaken as part of planning of the Annual Performance Plan.

3. Consultation with District or Local Government undertaken.
4. Stakeholders Identified and analysis undertaken.
5. Invitations issued.

   To be undertaken 6 months before the event.

6. Logistical Arrangements undertaken including: venue, operational communication plan, printing, transport, catering, etc.

   Supply Chain Process commences 1 week after first meeting with District/Local Government.

   Relevant appointments completed at least 4 to 5 months before the actual sitting.

SITTING:

7. Sectoral Parliament undertaken.

POST SITTING:

1. Sitting report is prepared.
2. Report is distributed to identified stakeholders.
3. Report is tabled and debated in the House.
4. Once adopted, report is distributed to the relevant government structure for processing or implementation.
5. Committees, in conjunction with the relevant District/Local Authority, monitor the implementation.
6. After a reasonable time, the House provides feedback to the relevant Stakeholders on progress or lack thereof.

   Sitting Report is prepared 1 week after Sitting and distributed.

   Sitting Report is tabled within 3 weeks of the Sitting.

   Implementation is monitored as per timings agreed within the house and through the relevant Committee Structures.

   Feedback is provided by the relevant Committee Structures within 6 months of Sitting.

Note: A minimum number of four (4) Sectoral Parliaments per year is advised.

Tools to consider:

- Social Media strategies for stakeholder identification, issuing of invitations, and relevant communication including feedback.
- Institution's website utilised for issuing of invitations, and relevant communication including feedback.
- Live Streaming of Sectoral Parliament.
- Video Conferencing of Sectoral Parliament.

13.4 Committees

The public has access to all sittings of the House as well as standing and portfolio committee meetings. Attendance of meetings by the public informs them about the issues at hand but they do not participate, unless they are specifically invited to address the committee on specific issues. This represents a very limited form of participation, as it relates mostly to information sharing. Members of the public request or are invited to attend committee meetings as stakeholders or ordinary citizens to make submissions or for observation.

Technology Tools to consider:

- Institution's website utilised for publishing of House Sittings including Committee Meetings.
- Social Media strategies for publishing of House Sittings and dissemination of relevant information including feedback and the solicitation of input.
- Live Streaming of House Sittings and Committee Meetings.
- Video Conferencing of House Sittings and Committee Meetings.

13.5 Involving Civil Society in Oversight and Law-making

The following oversight functions require Public Participation.

13.5.1 Annual Performance Plan:

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

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

Additionally, such a unit must:

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

13.5.2 The Appropriation Bill/Departmental Vote

Once the Appropriation Bill/departmental votes are tabled in the House, the Committee Co-ordinator immediately circulates these to all the contacts on the stakeholder lists. There are two lists. The first is for experts; institutes; academics; and other professionals. The second is for community-based organisations, community-based interest groups, that is, parent-teacher associations, worker's associations, that is, police officer unions; teacher unions; and other similar bodies that are beneficiaries of a particular service.

These stakeholders should know that they have approximately 1-2 weeks to make a submission to the Committee Co-ordinator. The Committee Co-ordinator processes and circulates these submissions to all members of the committee and support staff. The committee then requests certain stakeholders to make presentations based on their submission(s).

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

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

- ensure that there is sufficient involvement of the general public through the committee schedule of meetings;
- guarantee that there is a synopsis of a report that the committee will be dealing with, for example, the Citizens Version of the Annual Report;
- One of the committee meetings is held in communities to ensure and solicit community-based verification.

The Committee Co-ordinator's lists cannot feasibly include the general public. Therefore, the Public Participation and Petitions Office (PPO) should assist the Committee Co-ordinator in publicising the committee's meetings on a department's budget on a continuous basis.

13.5.3 Quarterly Reports:

The Sector Oversight Model demands the constant enlistment of external information input for independent verification. The Quarterly Report stages, though more rushed than the budget as they are, still demand a concerted effort to obtain as much external input as possible. This is in order to assist the support staff and the committee at the earliest and intermediate stages of a committee's consideration of progress on a certain priority. It is likely that the most useful information sources for the committee will be those that can provide clarity on the state of implementation of a department's programmes. This may mean, in the case of our example, hearings of parent-teacher groups that can verify that certain measures were taken at their school where the school safety team project is underway.

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

- ensure that there is sufficient involvement of the general public through publicising scheduled committee meetings;
- ensure that there is a synopsis of a Report that the committee will be dealing with – for example – the Citizens Version of the Annual Report; and
- schedule at least one of its meetings to be held in communities to solicit community-based verification.

13.5.4 Annual Report:

The emphasis at this stage is on the variable outcomes, and the measurable indicators agreed upon for the financial year in question, and rendering independent verification crucial to the efficacy of the committee's engagement with the department. Independent sources of information are used to confirm that the department is actually meeting the priorities it set out to satisfy at the start of the financial year in question.

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

- ensure that there is sufficient involvement of the general public through publicising scheduled committee meetings.
- ensure that there is a synopsis of a report that the committee will be dealing with, for example, the Citizens' Version,
- schedule at least one of its meetings to be held in communities to solicit community-based verification.

13.5.4 Public Accounts Committee Processes on Annual Reports

The Committee Co-ordinator will ensure the attendance of priority organisations at the hearings. This includes the press, and the bodies listed on the portfolio committee's stakeholder list. The Committee Co-ordinators for the Public Accounts Committee and the relevant portfolio committee for the department present at the hearing will liaise so that the research institutes; professors; experts; and so forth, on the portfolio committee's stakeholder list are invited to the hearing. This will assist in empowering those organisations to understand the departmental operations.

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

- ensure that there is sufficient involvement of the general public through publicising scheduled committee meetings;
- ensure that there is a synopsis of a Report that the committee will be dealing with, for example, the Citizens' Version of the Annual Report; and
- schedule at least one of its meetings to be held in communities to solicit community-based verification.

13.5.6 Oversight Visit Work/Focused Intervention Studies

External stakeholders will be invited to assist the committee by way of submissions in the selection of a subject for the Focused Intervention Study (FIS). After this step, the committee will likely request certain stakeholders to prepare detailed submissions and to make presentations on the chosen subject. These organisations and experts may also be requested to assist further with the development of questions and attendance on oversight visits as guests of the committee. These groups will also attend the debriefing by the different teams of members who split-up for the oversight visits in order to comment and provide their own opinions on the findings of the committee's task teams.

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

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

13.5.7 Strategic Budget Review for Outer Years

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

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

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

Tools to Consider:

- Social Media strategies for stakeholder identification, issuing of invitations, and relevant communication including feedback.
- Legislature website utilised for issuing of invitations, and relevant communication including feedback.
- Live Streaming of oversight functions that require input.
- Video Conferencing of oversight functions that require input.

13.5.8 Public Education

Description:

Utilised for the education of the public on their elected representatives and promoting the principle of open and accountable government in line with the Constitution Mandate.

Seeks to inform the public about the processes and developments within the Legislature and ways in which they can become involved through the various mechanisms.

Public Education seeks to increase the level of participation from the public within the individual Institutions and the Legislative Sector as a whole.

This is facilitated through:

- Institutions of Learning Education Tours and Workshops.
- Community Education-Outreach Workshops.
- Public Awareness Campaigns and Workshops.
- Exhibitions where the Institution exhibits and markets its work.

These education programmes are designed to empower marginalised sectors of society, such as Stokvels, Religious Groups, Persons with Disabilities and Community-Based Organisations, to mention a few.

Institutions of Learning Educational Tours and Workshops of the Institution:

The educational tours target schools, colleges and universities within the geographical reach of the Institution. Educational tours and workshops are conducted at the relevant Institution.

Minimum Guidelines:

- Tour bookings undertaken through the Institution's website or telephonically.

  Institution requires 1 week notice period.

  Maximum of 70 Learners and 5 Educations per tour.

- Tour of Institution undertaken: When House is sitting, orientation is undertaken including how sitting is conducted and then the group is accommodated in the public gallery. When there is no sitting in progress, the group is accommodated in the public gallery and orientated on how a sitting is conducted.

  Institution can accommodate 3 tours per day.

Tools to Consider:

- Placement of orientation videos on the Institution's website and on the Internet platforms for viewing online.
- Live Streaming of House Sittings onto Internet Platforms.
- Interactive e-Learning strategies for education of House Sittings, including feedback mechanisms.
- Social Media strategies for identification of groups, issuing of invitations, and relevant communication including feedback.

Public Awareness Campaigns and Workshops: Description

Public awareness campaigns and workshops educate the public on proposed Bills and how they can make inputs.

Committees also use these workshops to get feedback from the public on issues of concern, such as Health, Education, Housing, Environmental issues, and more.

Minimum Guidelines:

- **Research Public Education Programmes required to ensure involvement by the public.**
- **Identification and Engagement of Stakeholders undertaken.**

  Undertaken as part of the Planning cycle of the Annual Performance Plan including input from Committees and unique requirements of the Institution.

- **Development of the Public Education Programme Implementation Plan**

  A project team constituting of internal key stakeholders should be established to develop a project plan and specifications for logistical arrangements.

  To be undertaken as part of Annual Planning for input into the Annual Performance Plan.

- **Logistical arrangements:**

  The Supply Chain Management process of appointing (advertising tenders) in respect of service providers (transport, tents, and booking of hotels and catering) is undertaken.

Supply Chain Process commences 1 week after first meeting of the task team.
Relevant appointments completed at least 4 to 5 months before the educational programmes commence.

- **Awareness and relevant education workshops in identified areas undertaken.**

Workshops conducted as per schedule contained in the implementation plan.

- **Reports on educational programmes tabled in the House.**

Programme report is tabled quarterly and monitored accordingly.

- **Feedback provided to the stakeholders by the relevant committee structure.**

On-going.

13.5.9 Outreach

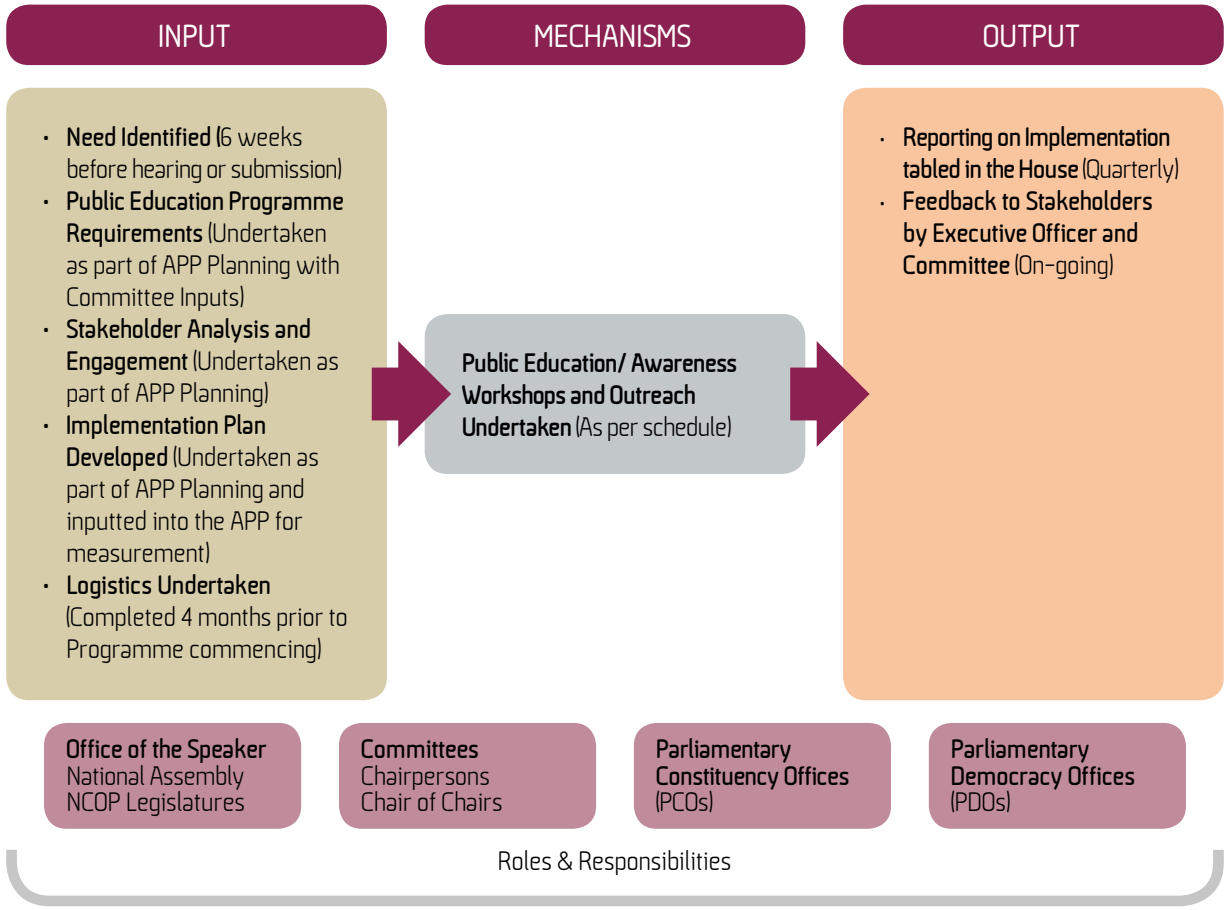
Community Education-Outreach Workshops: Description

This programme and the associated workshops are aimed at educating the public about democratic processes, role and function of the state, proportional representation, the role and functions of the Institution and the petitions system.

The objectives of this programme are:

- To promote public participation through public education.
- To create awareness of the Institution.
- To create awareness of the roles and functions of the relevant institutions.
- To create awareness on how the public can take part in the legislative process.

Figure 8: Public Education and Outreach Programmes



Minimum Guidelines:

- Achieved through: Educational workshops, Staging of Plays, Exhibitions, Tours, School visits, Road shows, Conferences, Cultural activities, Inter-school discussions, Essay and Speech Writing.
- Education material produced to supplement the outreach programme.

Minimum Guidelines:

- **Research Public Education Programmes required.**
- **Identification and Engagement of Stakeholders undertaken.**

  Undertaken as part of the Planning cycle of the Annual Performance Plan including input from Committees and unique Institution Requirements.

- **Development of the Public Education Programme Implementation Plan.**

  A project team consisting of internal key stakeholders should be established to develop a project plan and specifications for logistical arrangements.

  To be undertaken as part of Annual Planning for input into the Annual Performance Plan.

- **Logistical arrangements:**

  The Supply Chain Management process of appointing (advertising tenders) in respect of service providers (transport, tents, and booking of hotels, catering) is undertaken.

  Supply Chain Process commences 1week after first meeting of the task team.

  Relevant appointments completed at least four to five months before the educational programmes commence.

- **Awareness and relevant education workshops in identified areas undertaken.**

  Workshops conducted as per schedule contained in the implementation plan.

  Reports on educational programmes tabled in the House.

  Programme report is tabled quarterly.

- Feedback provided to the stakeholders by the relevant Committee.

  On-going.

Tools to Consider:

- Social Media strategies for Stakeholder Identification, Research on Educational Requirements, Publishing of Programme, Hosting of Programme, Issuing of Invitations, and relevant communication, including feedback.
- Institution's website utilised for Publishing of Programme, Issuing of Invitations, and relevant communication, including feedback.
- Live Streaming of Education Programme.
- Video Conferencing of Education Programme.

SECTION 14
Recommendations for Implementation

From the content of this framework and the various research processes that were part of its development, various areas of action have been highlighted that will support and enable the various institutions to better align their public participation strategies and practices with each other to integrate the SA Legislative Sector further.

In particular, recommendations for implementation of these various areas of action can be categorised into the following areas:

Phase 1 – Alignment

- Comparison of Public Participation processes, practices and resources within the institution to the minimum requirements as defined in the Framework (taking stock).
- Development of a Public Participation model and strategy within the institution including: purpose, programmes, projects and associated action plans.
- Public Participation measures (indicator sets) are defined in the Annual Performance Plan of the institution.

Phase 2 – Capacity Development

- Development of technical resources within the institution through on-going training programmes.
- Alignment of internal processes within the institution to ensure achievement of the Public Participation strategy.

Phase 3 – Monitoring and Evaluation

- Implementation of Monitoring and Evaluation mechanisms for public participation within the individual institutions and also across the Sector (the Public Participation Forum to take this role);
- Annual Assessment Report on implementation of the Framework across the Legislative Sector produced.
- Bi-Annual Evaluation Report on implementation of the Framework across the Legislative Sector produced.

ANNEXURE 1
A Petitions Framework for the South African Legislative Sector

1. Executive Summary

This framework is to serve as a guideline and minimum standard for the sector in order to increase alignment and integration of Petition practices and processes across the sector.

This research process began in October 2010 with a desktop study of current state of Petitions and the related processes across the sector. Further to these documented analysis, two sector wide consultative workshops were held (November 2010 and November 2011) to obtain inputs into the final draft framework.

The current draft framework does not include the lengthy research reports that made up the process which has culminated in this final draft. This final draft framework contains only a broad description of the findings of the research processes and focuses in detail on the actual petitions framework.

Recommendations for implementation are included at the end of this report.

2. Introduction

This Annexure I: A Petitions Framework for the SA Legislative Sector needs to be read in conjunction with the main document of the Public Participation and Petitions Framework, with specific reference to Section 16. Public Participation Mechanisms, particularly 16.2 Petitions.

At a macro level South Africa adheres to the principles of a participatory democracy. Democracy is dependent on the participation of the citizens in civil society and the political system. Moreover, this participation must be inclusive of all in society. Worldwide, theorists and political practitioners who profess democracy take political participation seriously irrespective of their particular political background. In alignment with the principles set out for a participatory democracy the Constitution (Act of 1996) mandates that all Legislative bodies should ensure that Public Participation, broken up into the macro areas of public hearings, petitions, public education and outreach, occur in all of their decision making and policy processes.

During the last five years there has also been a move towards ensuring the fulfilment of the principles of "Batho Pele". This has in turn necessitated the need to ensure a strong oversight function through the implementation of Monitoring and Evaluation and enhanced Public Participation in line with the constitutional mandate. Given this context, the legislative sector in South Africa has started a process of assessing what the current petitions policies, frameworks, templates, processes and practices are in order

to gauge where possible discrepancies might exist, and from this to compile a generic sector wide petitions framework as a guideline and baseline document for each legislature may use as a benchmark and minimum standard.

This framework serves as a guideline and minimum standard for the legislative sector against which each legislature should compare its own current petitions policy or framework and align it as closely as possible to this framework over a period of time.

3. An integrated summary of areas of discrepancy in Petitions practices across the Legislatures

The research phase in the compilation of this draft framework provided detail of the comparative analysis of the documents that were provided by each legislature during 2010. A high level summary of the various areas of discrepancy that were observable from the documents was provided – i.e. what areas of petitions are being applied differently within the various provinces.

These include the following:

- Legislation
- Definition, Scope and Purpose
- Roles and Responsibilities of various role players
- Submission Processes
- Process followed including overarching process, timings and feedback
- Reporting
- Supporting Documentation and Templates provided

The draft framework that follows provides detail on these areas listed above, as well as more generic areas of the policy framework and comes from both the research process as well as the two workshops that were held to obtain inputs into specific areas of the framework.

4. A Generic Petitions Framework for the SA Legislative Sector

As the ultimate outcome of the research process, the comparative analysis of the various policy documents related to petitions combined with the inputs obtained during two sector workshops on petitions. This section puts forward a generic framework for petitions for the SA Legislative Sector.

The purpose of this generic framework is to guide the individual policy documents related to petitions in each of the provinces and Parliament, and to provide the legislative sector with a proposed process together with associated minimum baselines for individual activities within the process.

This framework serves as a guideline and minimum standard for the legislative sector against which each legislature should compare its own current petitions process and align it as closely as possible to this framework over a period of time.

5. Components of a generic framework for Petitions:

5.1 Clear title

Stating whether the document is a policy or manual or guiding framework

Suggested title for legislative sector: *Petitions policy and process*

5.2 Document version

Table showing first approval date and any subsequent revisions with dates and authorised signatories

Suggested table for legislative sector:

VERSION	REVISION DATE	REVISED BY	BUSINESS UNIT	STATUS

5.3 Table of Contents

Providing all the sections in the document as listed below with relevant page numbers as reference for easy use

5.4 Acronyms

List of abbreviations used in the policy document

5.5 Glossary of terms

A list of terms used in the policy document that require clear definition:

Suggested Terms and Definitions for sector:

- **Constitution:** The Constitution of the Republic of South Africa (Act of 1996).
- **Petitions Act:** The relevant legislation governing petitions in the particular legislature.
- **Standing Rules:** The Standing Rules and Orders made for the conduct of the business of the legislature in terms of Section 116 of the Constitution.
- **Legislature:** The relevant Legislature as contemplated in Section 104 of the Constitution.
- **Secretary:** The Administrative Head of the Legislature.
- **Speaker:** The Speaker of the Legislature elected in terms of Section 111 of the Constitution.
- **Petition:** A Petition is defined as a complaint or request or representation or submission addressed to the Legislature by an individual or group after having exhausted other avenues.

  The petition may take the form of:

  - A single petition, which is an individual submission from a single petitioner concerning a particular complaint or

request or representation or submission;

- A collective petition, which is a collection of signature from a number of petitioners concerning a particular complaint or request or representation or submission;
- A multiple or group or mass petition, made up of an individual or group submission from a number of petitioners concerning the same complaint or request or representation or submission;
- An associated petition which is an individual submission from an association, or an individual mandated by an association, conserving a particular complaint or request or representation or submission;

- **Petitioner:** The person who has addressed a petition to the Legislature, and includes a natural or juristic person.
- **Submission:** The submission of a petition through recognised channels.
- **Petition File:** File containing all documentation pertaining to the petition from receipt to resolution, including any preliminary investigations, opinions and comments furnished by the legal adviser, committee documentation.
- **Registration:** Petition is registered in the petition's database and a unique reference number created.
- **Acknowledgement:** Formal communication acknowledging receipt of the petition sent to the petitioner via recognised channels.
- **Qualification:** Validation of petition as per definition and scope defined within the Act.
- **Internal Referral:** Petition is referred to the Committee for consideration and resolution.
- **External Referral:** Petition is referred to the relevant government department or institution for action and report back on steps undertaken to address the petition.
- **Committee:** relevant standing committee assigned to deal with petitions.

5.6. Introduction

Provide an introduction to the policy document.

Suggested standard for the sector:

The policy document has been developed to ensure that the principles set out for a participatory democracy the Constitution (Act of 1996) which mandates that all Legislative bodies ensure that Public Participation, broken up into the macro areas of public hearings, petitions, public education and outreach, occur in all of their decision making and policy processes is achieved and that alignment in terms of petitions across the legislative sector is achieved.

This policy document and associated framework serves as a guideline and minimum standard for the legislative sector against which each legislature should compare its own current petitions policy or framework and align it as closely as possible to this framework over a period of time to ensure achievement of the principles outlined in the Constitution.

5.7 Scope of Application

Detail who this policy document applies to – differentiate between important levels or groups and explain where the ultimate decision-making authority will lie in terms of this policy and the institution.

Suggested standard for sector:

Policy and process is applicable across all levels of the Legislature, including the administrative and political level.

The decision making authority on the process rests with the Secretary of the Legislature.

5.8 Sources of Authority

List the sources of authority for various elements of the petition process – refer to legislation, guiding frameworks, regulations, circulars etc.

Suggested list of documents for sector:

- The Constitution of the Republic of South Africa, 1996.
- Kwazulu-Natal Petitions Act (No 4 of 2003).
- Mpumalanga Petitions Act (No 6 of 2000).
- Northern Cape Act (No 8 of 2009).
- Gauteng Petitions Act (No 5 of 2002).
- Western Cape Petitions Act (No 3 of 2006).
- Free State Petitions Act of 2008.
- Limpopo Petitions Act (No 4 of 2003)
- Internal Policy Documents such as:
  - Petitions Template
  - Preliminary Investigation Template
  - Communication Templates
  - Petition Receipt
  - Status Feedback
  - Resolution Template
  - Committee Referral Template
  - Petition Database Template
  - Report Templates
  - Appeal Template
  - External Process Review Template

5.9 The Legislature's approach to Petitions

Describe the model and /or approach that the legislative sector as a whole and the specific provincial legislature is taking towards petitions.

Suggested standard for sector:

It is suggested that the sector adopt an integrated approach to petitions, including the alignment and standardisation of tools and applications, including the petitions processes and ensures linkages to organisational performance, linkages to strategic planning, and monitoring & evaluation processes.

It is envisaged that the tools and applications are benchmarked annually, recommendations and enhancements tabled and adopted where applicable.

5.10 Goal

Describe the broad overarching goal of the policy document – being petitions and it's relation to public participation and democracy.

Suggested Goal for sector:

The Constitution mandates that all legislative bodies should ensure that Public Participation, broken up into the macro areas of public hearings, petitions, public education and outreach occur in all of their decision making and policy processes.

The aim of this policy and the associated processes ensures that this mandate is achieved and addresses the principles of a participatory democracy.

5.11 Objectives

In order to achieve the goal stated above, what are the more specific and measureable objectives of the policy in terms of the legislature's context?

Suggested Objectives for sector:

- Establishment of a common definition for a Petition across the Sector.
- Establishment of a standardised approach to Petitions across the Sector.
- Implementation of a sector wide petitions database.
- Ensure that all role-players have a key understanding of the process and their role within the process.
- Implementation of an annual framework review and ensure any enhancements and recommendations incorporated.
- Linkage of petitions into the Monitoring and Evaluation processes of the Legislature.

5.12 Roles and responsibilities in petitions

Detail the various role-players in the legislature and what the expectations are of them in the performance management process.

Suggested High Level Roles for the Sector:

- **Speaker:** Responsible for receipt of the Petition.
- **Petition's Committee:** Responsible for the consideration of all petitions tabled before them with a view to settling the matter to the satisfaction of the petitioner and where applicable, advise the petitioner of other appropriate remedies available. Has the power to recommend the referral of petition, in whole or in part to the Speaker for consideration by the following persons or bodies: Legislature, a standing committee of the Legislature, A member of the Executive Council of the Province, the municipal council of the local government within the Province and the House of Traditional Leaders.
- **Petition's Office:** Responsible for the administrative process related to all petitions including registration of petition; issuing of all correspondence to the petitioner pertaining to the petition; validation of the petition; referral of the petition for translation and legal consideration where necessary; recommendation on whether to proceed with the petition or not; referral of the petition to external agencies and government departments for additional information for submission to the Petitions Committee; referral of the petition to the Petitions Committee.
- **Researcher:** Responsible for any investigation into the petition including physical site visits where necessary and provides input into the final validation of a petition.
- **Translation Services:** Provides translation of the petition where necessary.
- **Legal Services:** Provides legal opinion on the validity of the petition where necessary.

5.13 The Petitions Process:

Detail the petitions process in depth together with associated baseline timings, responsible resources and outputs. This could be split into the following high arching Phases: Consideration, Preliminary Investigation, Referral and Appeal. Detailed below is a proposed high level process for consideration:

Table: Petitions Process

ACTIVITY	RESPONSIBILITY	BASELINE TIMINGS	OUTPUT
Consideration			
Petition received through recognised channels.	Speaker or Delegated individual in Speaker's office	7 Days	Petition forwarded to petition's office for action.
Petition is acknowledged.	Petition's Office	3 Days	Petition is registered in the petition's database; formal communication acknowledging receipt of the petition is sent to the petitioner.
Qualification of petition is undertaken and Political Rapporteur appointed.	Petition's Office	4 weeks	Validation of petition as per definition and scope defined within the Act; Referral for Translation where necessary; Referral to Legal Advisor where relevant; Political Rapporteur is appointed.

ACTIVITY	RESPONSIBILITY	BASELINE TIMINGS	OUTPUT
Preliminary Investigation			
Additional Information Required from Petitioner	Petition's Office	2 weeks	Formal communication is sent to petitioner requesting additional information.
Referral	Petition's Office	4 weeks	Referred to relevant government department or institution for action and report back on steps undertaken to address the petition; formal communication to petitioner informing them of the referral.
Referral: Follow up	Petition's Office	7 days	Follow up is undertaken where no report has been received.
Activity	Responsibility	Baseline Timings	Output
Referral to Committee			
Petition Tabled	Petition's Committee	4 weeks	Petitioner is formally notified that the petition has been tabled for consideration by the Committee; Petitioner is formally notified of the date and time of the committee meeting where the petition will be considered and an invitation to attend extended; Petition is considered by the committee.
Additional Information Required from Petitioner	Petitions Office	2 weeks	Formal communication is sent to petitioner requesting additional information or verbal submission.
Resolution of Petition	Petition's Committee	4 weeks	Matter is concluded by the Committee and the petitioner is formally notified of the outcome.
APPEAL			
Petitioner is notified of avenues of appeal	Petition's Office	5 days	Petitioner is formally notified of the avenues of appeal

5.14 General Policy Guidelines

This section is not mandatory but useful in practice. It should contain potential pitfalls for users to be aware of as well as specific or unusual cases that could need to be dealt with. This section would need to be updated as the legislature goes through different organisational changes that could affect the petitions processes.

5.15 System Evaluation and Review

This component of the policy, which at the time of writing did not exist within any of the legislatures, details how the policy itself, including its related tools, templates and processes will be reviewed and improved upon each year. This section should detail how the evaluation will be done and by whom. It would also focus on evaluating the policy both internally and externally. It should answer questions such as: Is the policy addressing the Legislature's needs? Is the policy addressing the needs of the constituents? Does the current policy fit the Legislature's mandate? Are managers equipped with the necessary skills to apply the policy? Does the policy provide for useful data to make informed decisions? Is the Legislature achieving its objectives in terms of Petitions?

Suggested Standard for the Sector:

System evaluation and review of the petitions process is to be undertaken on an annual basis by the Monitoring and Evaluation unit within the relevant Legislature.

The evaluation should strive to answer the following questions:

- Is the policy addressing the Legislature's needs?
- Is the policy addressing the needs of the constituents?
- Does the current policy fit the Legislature's mandate?
- Are managers equipped with the necessary skills to apply the policy?
- Does the policy provide for useful data to make informed decisions?
- Is the Legislature achieving its objectives in terms of Petitions?

Findings from the evaluation would enable the sector to further enhance the policy based on the findings.

5.16 Templates

This section, often included as annexure, should contain all the templates for the various stages of the Petitions process.

Suggested standard for sector:

Standard templates to consider include but are not limited to:

- Petition template
- Preliminary Investigation Template
- Communication Templates (for communication with petitioners)
  - Petition Receipt (Acknowledging receipt of the petition)
  - Status Feedback (would include petition file number, any additional information required, current status)
  - Resolution Template
- Committee Referral Template (including compliance with Act)
- Petition Database Template
- Report Templates
- Appeal Template
- External Process Review Template

5.17 Recommendations for implementation

From the content of this research report, various areas of action have been highlighted that will support and enable the various legislatures to better align their practices with regards to petitions, thereby integrating the legislative sector further. In particular, recommendations for implementation of these various areas of action at a high level can be categorised as follows:

- **Structuring the petitions policy and related system for success:** Each individual legislature needs to review their current policy in terms of the feedback provided in this report in order to fill the gaps that have been identified. These gaps derive from a comparative analysis across the sector. This step alone will bring a degree of integration into the petitions practices across the sector. This alone will not achieve the ultimate integration and cooperation that is envisaged as part of this research objective. In order to achieve a more fundamental level of integration and standardisation (on a voluntary basis) across the sector, the various elements of the policies and how they are interpreted, applied and practiced, will need work-shopping, discussion and agreement of sector practices that can be amended by each legislature in order to align the practices more closely. It is envisaged that the Secretary's Forum would have the mandate to begin this and cascade any feedback into each legislature's policy framework, manual and templates, into the up-skilling of managers and retraining of key staff to carry these changes through.

- **Implementation of a sector wide petitions database:** The implementation of a sector wide petitions database would allow for the establishment of a mechanism to track trends and issues that emerge through the petitions process both within the individual legislatures as well as across the entire sector. This in turn could be fed into the Monitoring and Evaluation processes within each of the legislatures thereby enabling better planning and evaluation of current initiatives and help to apply resources optimally.

- **Establishment of a standardised approach to petitions:** It is evident that there is no standardised approach to either the process or time-lines associated to the various processes within the petitions process across the legislatures. As part the formulation of the sector-wide framework, the researchers have provided indicative timings for each of the elements within the process to ensure synergy and provide the mechanisms to measure these processes from a common baseline.

In addition to the above recommendation, a workshop was held with representatives of the Petitions Forum for the legislative sector on Friday, 26 November 2010 and a further workshop on 22 November 2011. From the discussions and inputs by the participants, the following additional and specific recommendations for the process ahead are noted:

- It was noted that the petitions process is not yet legislated throughout all of the legislatures. In some instances there are no plans to legislate this process. This is seen as an obstacle by the participants to the establishment of a sector wide framework and the recommendation is that all legislatures implement legislation for petitions to ensure alignment across the sector.
- The practitioners recommended that the description of a Petition be amended as follows: 'Petition is broadly defined as a complaint or request or representation or submission addressed to the Legislature by an individual or group after having exhausted other avenues. 'This will require further debate with all vested parties and consensus reached.
- There is currently very little understanding within the legislatures of both the petitions process, in particular what constitutes a petition, and the importance thereof outside of the individuals tasked with the process. There needs to be far more emphasis placed on ensuring that everyone, both within the administrative and political structures, in the legislatures are equipped with an understanding of the process. In order to alleviate this, it is recommended that a handbook on petitions be developed.

- In many instances petitions are referred to other departments and institutions that are outside the control of the legislature. There is a need to have Memorandums of Understanding pertaining specifically to petitions and the process to be followed when dealing with petitions of this nature with these departments and institutions.
- Currently there is very little knowledge sharing amongst the legislatures around the processes implemented for the petitions process. Certain legislatures have established baselines around the petitions processes and formalised procedures which could be used by other legislatures. As such, it is envisaged that more detailed discussion be held around what currently works in practice, what the different legislatures have done to better align these processes and what needs to be contained in the generic framework to accommodate the most important aspects for alignment across the sector.
- Co-operative leadership was agreed as the cornerstone to the success of the implementation of a new generic framework for Petitions within the sector. The requirements of corporate governance (a culture and golden thread throughout the sector), the "corporatizing" of the sector and enhancing a more performance driven culture are elements that this new framework needs to speak to and help drive into the legislative sector.

ANNEXURE 2
Methodology and Approach to Developing this Framework

In 2006 the Legislatures started work to focus on development of a common understanding and approach to public involvement. This work was started with the Birchwood Public Participation Conference. This conference of critical stakeholders in the South African Legislative Sector (SALS) included elected public representatives, SALS officials, experts and civil society started discussions on what the Constitutional interpretation of public participation should be. This conference produced a number of recommendations to take public involvement forward. In November 2009 the Speakers' Forum of South Africa (SFSA) adopted the recommendations of the Birchwood Conference, giving them the effect of being resolutions.

Different Legislatures have, since then, approached public involvement as guided by the recommendations of the Birchwood conference and other relevant policies that were developed over time to guide public involvement. This approach took the Legislatures to a stage where there was guidance on what form public involvement should take. This resulted in some form of common standard where all Legislatures interacted with the public through workshops, public hearings and stakeholder engagement. There was a common understanding that these interactions were necessary for all legislative processes of Legislatures. The only challenge with the approach was that conference recommendations do not necessarily create a framework that provides specific guidelines for the sector.

To build on the developments of the Birchwood conference and to respond to the need for strengthening Legislatures to meet this Constitutional imperative the SFSA resolved that the development of a Public Participation Framework should be prioritised. The SFSA mandated the Political Sponsor, Speaker Nkonyeni, to ensure the development of this Sector. The development of this framework has been part of the Sector Action Plan (SAP) since 2010/11. The Public Participation and Communications Forum (PP&CF), a forum supported by Legislative Sector Support (LSS) responsible for public involvement in the SALS under the leadership of the Secretary's Association of the Legislatures of South Africa (SALSA) Convening Secretary, developed terms of reference for the development of the framework. The SFSA adopted the terms of reference for implementation. The development of the framework is supported by the Legislative Sector Support (LSS), which is responsible for providing management and technical support to the SALS.

A Task Team of managers from the PP&CF was established and tasked with the responsibility for developing the SALS Public Participation Framework. The SALSA Convening Secretary provides leadership and guidance to the team.

On 30 September 2011 the SFSA resolved that the Sector should work with Parliament on the development of the Public Participation Framework instead of duplicating efforts and processes. This would have the added advantage of collective effort, leading to a better resourced project and delivery within a reasonably shorter period of time.

On 24 January 2012 Parliament and the Provincial Legislatures' political leadership as well as the relevant support officials met in Parliament to consult on the approach and to provide political guidance to the process. The meeting clarified expectations from all the stakeholders and set timelines for the Framework to be completed by the end of 2012 for implementation in 2013 before the 5th Parliament. A number of resolutions were made to support this effort.

The following resolutions inform the new approach:

- The Scope of the project should include public participation practices of Parliament, Provincial Legislatures and Local Government;
- Draft Public Participation Framework to be ready by June 2012;
- The following three focus groups to be established to facilitate drafting of the Framework:
  - Focus Group 1 – focus on Constitutional landscaping and ruling matters;
  - Focus Group 2 – to review the best practices and work of other Legislatures; and
  - Focus Group 3 – to coordinate local and public input to the Framework.

The modalities of how the technical team and focus groups should be arranged were left to the technical team to propose recommendations. The Political Sponsor instructed LSS to facilitate the process of agreement between the SALSA Convening Secretary and the Parliament Project Team on recommendations for the way forward.

The methodology that was followed in the compilation of this draft was a combination of the following:

- Literature review of all previous reports of the three (3) focus groups, consultation sessions and documentation;
- Additional literature review on international practices and models of public participation in order to establish "best-practice" and "best-fit" for the sector;
- Chronological review of process to date – from Birchwood to date – to ensure golden threads and meaningfulness of what was originally envisaged and planned is maintained in the framework;
- Case study analysis of available practices, processes and documents within the SA Legislative Sector (as provided by the various sector institutions) – this was extended into a partial comparative analysis from which lessons learnt and best-fit approaches could be extracted;
- Process evaluation methodology was included in terms of the actual processes involved in public participation – each of the various public participation mechanisms were mapped out and streamlines into a best-fit approach for the legislative sector;
- An outcomes evaluation methodology was included in terms of establishing what the outcomes and impacts (the difference) of public participation are deemed to be both from a legislated perspective and from the expectations of the role-players as they were involved in this process over time. These outcomes and expectations culminated in the various suggested monitoring and evaluation measures that are included in the framework.

From the combination of the above methodologies, a draft framework was compiled by the Public Participation "writing team" at LSS. Inputs and amendments were included and a final framework was produced. This Framework was then presented to the various key stakeholders for consideration and input in order to achieve the phase 1 strategic objective of the Public Participation Implementation Plan. After this formal approval, components of training, customisation, roll-out and review (monitoring and evaluation) are envisaged as part of this implementation plan.

ANNEXURE 3

Best Practice Review – Austrian Sustainable Development Indicator Set

1. Background and Facts

The Austrian National Sustainable Development Strategy was adopted by the Austrian Federal Government in April 2002, and includes the objective to develop a Sustainable Development Indicator set for Austria. The indicator set should be developed in a systematic way by using participatory mechanisms.

In September 2003, the workshop, "Monitoring of Sustainable Development in Austria: A systematic approach and topics", laid the foundation for the process of defining key objectives and indicators for Sustainable Development (SD) of Austria.

Time frame:	Summer 2003 – Summer 2006.
Type:	Development of Austrian Sustainable Development Indicator set (part of the National Sustainable Development Strategy (NSDS) and the monitoring report).
Responsibility:	Austrian Federal Ministry of Agriculture, Water Management and Environment (BMLFUW).
Stakeholders involved:	Stakeholder groups and experts dealing with Sustainable Development.
Participatory mechanisms:	Workshops, written feedback round, consultation of experts.

Characteristics application practices of public participation:

Policy hierarchy level:	Policies and strategies
Form of participation:	Ad-hoc
Degree of participation:	Decisional
Breadth of participation:	Restricted to invited stakeholders
Vertical participation:	National level
Policy cycle stage:	Review

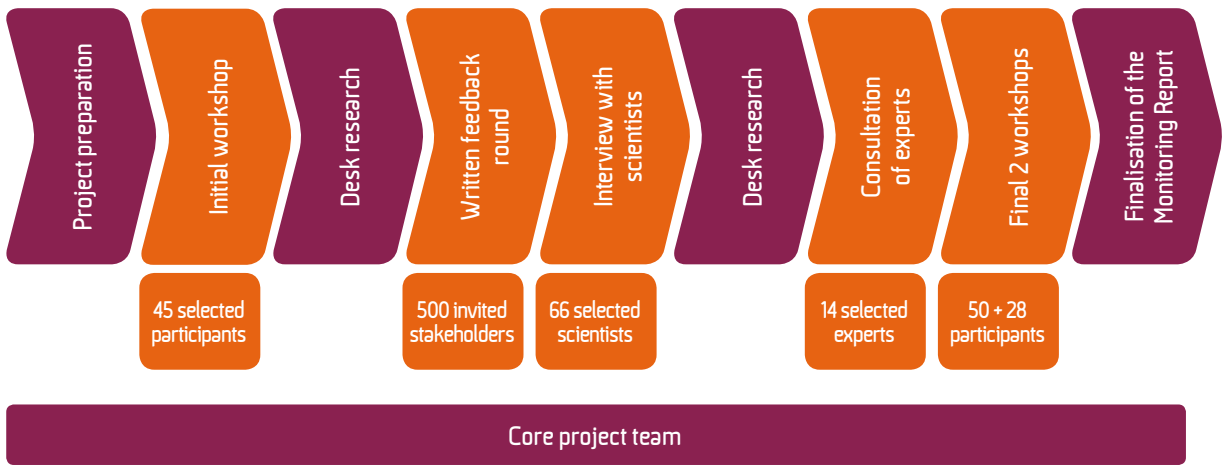
Description of participatory process and mechanisms used.

The development of Sustainable Development Indicators in Austria was strongly focused on broad stakeholder involvement with the aim to create acceptance and commitment, and to utilise the knowledge of all involved actors. The indicator development process was designed as a project within the department of SD and environmental subsidies of the Austrian Federal Ministry of Agriculture, Water Management and Environment (BMLFUW). A core project team was established that consisted of administrators of the BMLFUW and several scientific advisors.

After the project preparation phase, stakeholder involvement started with an initial workshop to decide upon the future working group structure and the theoretical model on which to base the Sustainable Development Indicators.

After a phase of literature research, a written feedback round and interviews with scientists, key objectives for Sustainable Development were summarised for discussion with selected experts. In the two concluding workshops, stakeholders were asked to extract indicators for the corresponding SD topics and its key objectives. Figure 7 below shows the various steps of the participatory process and the actors involved; the steps in green show the work undertaken by the core project team and the steps in blue refer to the participation of external stakeholders (i.e. experts, scientists, and other stakeholder groups):

Figure: Steps of the participation process for developing the Austrian SD indicators set



The Table below specifies the participatory process concerning actions, involved actors and stakeholders and results:

Table: Steps of the participatory process, including stakeholders and results:

ACTION		INVOLVED ACTORS AND STAKEHOLDERS	RESULTS
Project preparation		Core team: BMLFUW + contracting scientific advisors	• Formation of the core project team • Exploration of theoretical models
1	Initial workshop	• Open invitation (invited persons could invite other persons) • 45 participants (primarily from public institutions)	• Definition of the structure, i.e. relevant Sustainable Development topics • Decision to focus on the sphere "man/ society" • Formation of working groups
2	Desk research	Core team + other ministries to provide relevant documents	Definition of key objectives for each SD topic
3	Written feedback round	500 stakeholders were invited to provide written feedback	Feedback from interested stakeholders (low response rate)
4	Interviews with selected scientists	• 66 selected scientists • Students as interviewers	Feedback regarding the topics and the key objectives
5	Desk research	Core-team (no external involvement)	Identify indicators for measuring Sustainable Development key objectives
6	Consultation of experts	One expert for each of the 14 topics selected	Feedback on topics, key objectives and indicators
7	Final 2 workshops (within one month)	• Experts from step 6 and stakeholders involved in the initial workshop • In total, 50 stakeholders participated in the first workshop and 28 in the second workshop	Selection of 2 indicators for each key objective
8	Finalisation of the Monitoring Report	Core team	Commented monitoring report on Sustainable Development in Austria (including draft version of the Austrian Sustainable Development indicators)
Core team meetings		Person in charge in BMLFUW + two scientific advisors	• Guidance of the whole process • Ongoing interaction and exchange of information • Regular information to the Committee for a Sustainable Austria

In each of the two final workshops, participants could choose freely to join one out of three working groups that were clustered around 2 or 3 topics. Key objectives and potential indicators were prepared and the task was to discuss the indicators and select two indicators per key objective. Additional comments on the indicators and their implementation were welcome.

2. Selection of Stakeholders

The stakeholders involved in the process mainly came from public institutions (national and sub-national level) and academia, but also included other experts concerned with specific Sustainable Development topics and indicators (mainly from social and environmental NGOs). As stakeholders represented public institutions or members of established Sustainable Development networks, no financial support for individual stakeholders was necessary. The stakeholders were invited on the basis of an initial list developed by the core team of the project. This list also included representatives of several networks (e.g. Committee for a Sustainable Austria, Forum Sustainable Austria) who were asked to distribute the invitation among its members.

3. Required Resources

The process was part of the portfolio of the department of Sustainable Development and environmental subsidies of the BMLFUW and, therefore, personnel costs were 'internalised'. Costs for meetings, e.g. venue, workshop equipment, catering, etc, were covered by the ministry. Besides these general costs, an additional budget was required to cover the costs of the scientific advisors of the core team, travel and subsistence of experts, translation services, for students undertaking interviews as well as for workshop moderation.

4. Use of Results

As outlined above, the main aim of the whole process was broad involvement of relevant and concerned stakeholders. The implicit objective was to secure the necessary acceptance and commitment of relevant stakeholders regarding the Sustainable Development indicator set and to utilise knowledge of all involved actors. Therefore, learning from each other in search of the best indicators to measure and monitor Sustainable Development in Austria was the top priority for the responsible national ministry. Generally, equal opportunities to contribute to the process and to the results were a very important issue; moreover, individual comments could be inserted into the final report. Although the Sustainable Development indicator set was finalised by the core project team, stakeholders were intensively involved in selecting two indicators per key objective in the concluding workshops. The final report included headline indicators as well as detailed indicators for two SD pillars ("man/society" and "environment") and finally became part of the NSDS by replacing the initial indicator set. The results of the participatory process have been distributed among the participants and published on the ministry´s website.

5. Lessons Learned

1. **Sufficient time and timing:** All interview partners (the organiser as well as the interviewed stakeholders) stressed that a participatory process like this requires considerable time as it was based on qualitative methods (workshops, written feedback round, in-depth expert interviews). Time was a particularly crucial resource for stakeholders to be able to participate in the process (i.e. preparation for meetings, reading documents, dissemination of information and gathering opinions from their organisations). Also timing plays an important role: The experience in Austria shows that at the beginning of the National Sustainable Development Strategy development (about 1.5 years before the described participatory process took pace), the whole National Sustainable Development Strategy process was characterised by a top-down approach with little 'indicator culture' in Austria. After two years of indicator use in the National Sustainable Development Strategy process, the preconditions and experiences changed – public authorities and stakeholders became increasingly familiar with Sustainable Development indicators. Therefore, the development of the indicator set as a participatory process was organised at the right time.

2. **Risk mitigation and conflict mediation:** Being aware of certain pitfalls and shortcomings that can happen during a participatory process helps to address risks openly (e.g. participatory processes always bear a certain amount of risk regarding group dynamics). Seeking consensus often requires conflict mediation as decisions need to be taken that will not be favoured by all participants. Especially in such moments, a clear and transparent way of moderation and documentation was seen as crucial by the organisers as well as the involved stakeholders.
3. **Open communication and transparency:** Both, organisers and stakeholders, consider open communication (information dissemination) and transparency (regarding the overall process, objectives, steps and expectations) as important. An example of the participatory process in Austrian shows this vividly: Due to the interdisciplinary and cross-cutting nature of the topic, several other departments of the BMLFUW had concerns about the process, especially at the beginning. The open invitation policy and the transparent approach of the whole process, however, transformed this concern into cooperation and engagement of all departments in the ministry.

ANNEXURE 4
Challenges and Factors Causing Failure for Public Participation in the Legislative Sector

Based on the various research processes and formal consultation sessions held as part of the development of the Public Participation Framework, a number of practical challenges were highlighted. At a high level, these practical challenges in the implementation of participatory procedures are detailed below:

The Constitution refers to Involvement and not participation. Despite the progress made in developing participatory procedures, public participation is hampered by issues of access. This remains the most substantial challenge to effective participation. South Africa's substantial socio-economic inequalities coupled with the historic exclusion of the majority of South Africans from formal political processes create significant barriers to effective public participation.

Very often it is only the business sector and organised civil society, that has the access to information and resources required to firstly know that relevant legislation is on the cards, understands the complex and intimidating legislative process and language, formulate a submission and deliver it – all within a limited period of time, often only three weeks or less, particularly in the case of NCOP proceedings.

As a result, this culminates in the main NGOs speaking on behalf of community groups, with concern about the representativeness of their views or accountability to these communities. Exacerbating this problem, inadequate information is made available to the public on the legislature's agenda and programme, which is poorly advertised. Public hearings are held in the main in major city centres, and are often also poorly advertised and attended.

It is possible to isolate five barriers to access:

1. Problems of physical access. Most public hearings are held in Parliament or the provincial legislatures which are largely inaccessible to the poor and those from rural areas. However, legislative authorities are increasingly taking greater steps to hold public hearings in communities or to provide transport to those wishing to take part.
2. Lack of effective information. Despite efforts to use the media more effectively, information on pending legislation and opportunities for public participation is often severely limited.
3. Insufficient public education. In a study conducted in 2000, approximately nine out of ten South Africans surveyed reported that they had little or no understanding of national policy-and law-making processes.
4. Language barriers. Despite the constitutional recognition of 11 official languages, English is the primary language of government. This potentially excludes a large range of language groups. In addition, the technical language used in legislation and legislative processes is a further barrier to participation.

5. Skills for public participation. The skills required for effective public participation such as public speaking and community organisation are unevenly distributed and insufficiently developed.

At a macro level, despite their potential many provincial Public Participation units have various challenges. It is unclear who is responsible for evaluating the effectiveness of the units and it is evident that they have yet to make any impact in strengthening public participation.

The most common form of public participation at provincial level is through pre-hearings and hearings. However, it has been recognised for some time that public hearings have limitations, because invitations are often sent at short notice and thus not allow sufficient time for the public to prepare inputs.

At both national and provincial level, the submission of petitions remains a potentially powerful form of direct democracy. While seven of the ten legislatures have formal processes in place for dealing with petitions, there could be a standardised process for submitting and processing petitions across institutions and provinces.

Both national and provincial legislatures experience difficulty in reaching more remote areas due to problems of access. In addition, some aspects of the communication strategy impose limits on those who do not have the ability and/or technology to access website information. Published information is also not disseminated widely enough and not all publications are published in the relevant languages mostly used in various provinces, in order to reach as wide an audience as possible.

Education programmes also tend to target schools and the poor and less educated sectors of society and, in the process, exclude large segments of the population who might stand to benefit from the information provided.

Taken as whole, it is evident that the national and provincial legislatures have in place relatively well designed systems for promoting public participation.

However, the coordination of systems is challenging and many, if not most, function sub-optimally and fall short of the criteria set by the Constitution. In other words, whilst formalistically the legislatures have public participation systems in place, substantively they are not very successful to promote public participation as constitutionally mandated and as dictated by the courts.

Furthermore, Constituency Offices are often seen as party offices and not as an extension of the Legislature.

ANNEXURE 5
Stakeholder Analysis Tools

The following is a toolset for undertaking Stakeholder Analysis and building the necessary strategy for Stakeholder Involvement based on the results of the analysis.

1. Stakeholder Analysis Tool

Stakeholder involvement may take a number of different forms. This could include such varying activities such as attending a meeting, contributing time, money and other resources, providing information or opinion and controlling the design of a project. It is important to highlight the fact that stakeholders should and must be actively involved in the decision-making processes and resultant activities.

2. Stakeholder Analysis – How To Do It?

Here is a step-by-step description of a method which can be used for stakeholder analysis. For any decision or action, a stakeholder is anyone who is affected by, or can influence, that decision or action.

The process can be used by a single person, but it works better, however, if a diverse small group does it.

3. Draw up the Chart

Prepare a chart on a flipchart or other large sheet of paper.

STAKEHOLDER ANALYSIS CHART					
Goal					
Stakeholders	Attitude		Influence		Actions
	Estimate	Confidence	Estimate	Confidence	

4. List Stakeholders

Identify and list the stakeholders important to the institution (keep the definition of stakeholder in mind as anyone who is affected by, or can influence, that decision or action). Stakeholders may also be individuals, or stakeholder groups, or some combination. If stakeholders can be treated as a group, then use groups. The most effective way of doing this is to list as many stakeholders as you can onto a working sheet of paper. Then transfer them to the left hand column of the chart. It may help to list them in rough order of importance.

Note: You may change your mind about their importance after this analysis.

5. Estimate Attitude and Confidence

For columns 2 to 5, work across the page. Record your estimates of the following in the columns. In order, they are:

Column 2: Your best estimate of the attitude of the stakeholder to the process, from supportive to oppose.

++	:	Strongly in favour
+	:	Weakly in favour
o	:	Indifferent or undecided
–	:	Weakly opposed
– –	:	Strongly opposed

Column 3: How confident you are about your estimate in column 2. Here you can use the following symbols:

ü	:	Fully confident
?	:	Reasonably confident (some missing information, or some doubts about interpretation)
??	:	An informed guess
???	:	Wild guess or sheer fantasy

Column 4: Your best estimate of the influence of the stakeholder. A three-category code is usually enough –

H	:	High; this person or group has power of veto, formally or informally
M	:	Medium; you could probably achieve your goals against the opposition of this person or group, but not easily so
L	:	Low; can do little to influence the outcomes of your action

Column 5: How confident are you about your estimates in column 4? You can use the same codes as in Column 2.

6. Plan Strategies

Plan your strategies for approaching and involving each person or group. Your estimates in Columns 2 to 5 will assist you to do this. Your strategy is written in Column 6. It usually takes the form of obtaining more information, or of involving the stakeholder in the planning for the change.

In general, question marks indicate a need for more information. The more question marks, and the more influence the person has, the greater the need. On some occasions you may choose to directly approach the person concerned. On other occasions, you may decide to approach someone who may know something about the attitude or influence of the stakeholder.

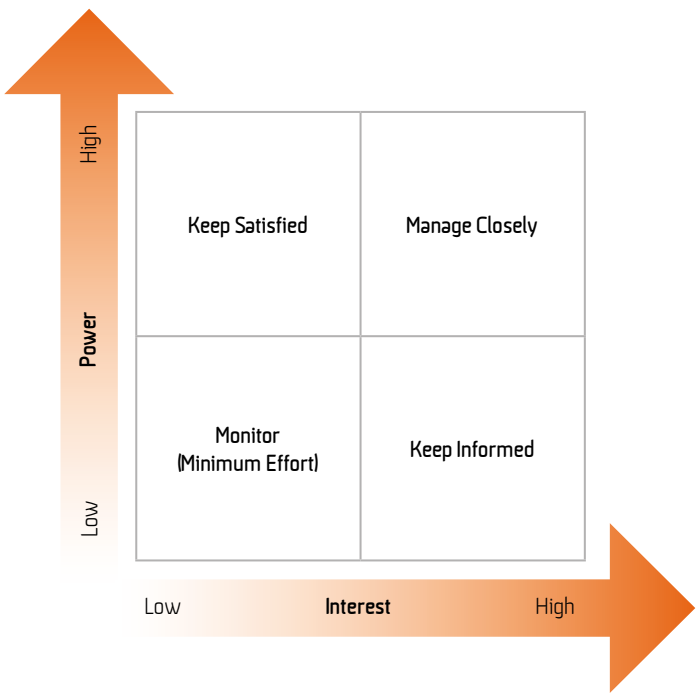
In general, high influence indicates a need to involve the person in some way. The people or groups who require most attention is those who are influential and opposed.

7. The Involvement

The involvement of the various stakeholders can be on the following basis:

- Take cognisance of
- Involved only as an informant or source of information
- Consulted
- Directly involved in the decision-making process
- Directly involved as co-researchers, co-actors and direct participants

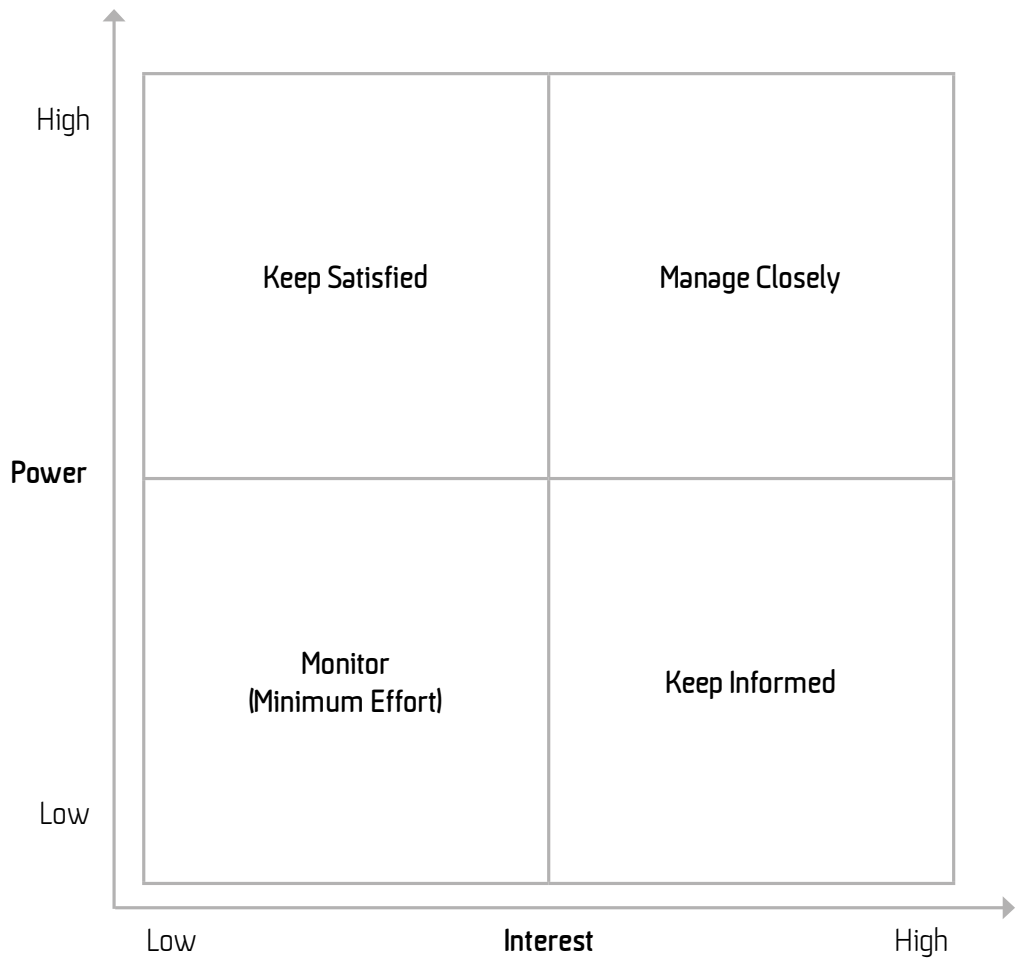
8. Stakeholder Mapping



Someone's position on the grid shows you the actions you have to take with them:

- **High power, interested people:** these are the people you must fully engage with, and make the greatest efforts to satisfy.
- **High power, less interested people:** put enough work in with these people to keep them satisfied, but not so much that they become bored with your message.
- **Low power, interested people:** keep these people adequately informed, and talk to them to ensure that no major issues are arising. These people can often be very helpful with the detail of your project.
- **Low power, less interested people:** again, monitor these people, but do not bore them with excessive communication.

Take your list of stakeholders and plot them onto the grid below:



STAKEHOLDER ANALYSIS CHART					
Goal:					
Stakeholders	Attitude		Influence		Actions
	Estimate	Confidence	Estimate	Confidence	

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