



UNIVERSITY *of the*  
WESTERN CAPE

**Challenges of Public Participation in the Implementation of Portable  
Toilets in South Africa: A case study of Makhaza Area in Cape Town,  
Western Cape Province (2011-2015)**



**This is submitted to the School of Government, Faculty of  
Economics and Management Sciences at the University of the  
Western Cape in partial fulfilment of the requirements for the  
Master's Degree of Public Administration**

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## **DECLARATION**

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I, the witness, hereby announce that the work contained in this assignment is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

## **ACKNOWLEDGEMENTS**

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## ABSTRACT

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This research critically sought to conduct a study, to find out whether there was public participation prior to the installation of portable flush toilets (porta potties) in Makhaza Area, Khayelitsha, during 2011-2015. A discussion of a theoretical framework on public participation and decision making forms the basis upon which this study is grounded. The study proceeded to explore public participation in public policy in the local South African context with a specific focus on the legislative environment.

To gather information, a maximum number of 30 households in the area of study were interviewed using the technique of purposive sampling falling under non-probability sampling. The selected participants have a distinct connection with the phenomenon under research, and adequate and significant living knowledge of public participation, but have not participated in the process of public participation. Furthermore, both qualitative and quantitative approaches were followed in order to enrich the study deeply.

From the findings gathered, it is evident that the Makhaza community in Khayelitsha was hardly involved in the decision making to install portable flushable toilets, through approved democratic processes of public participation. Hence the response was characterised by discontentment and rejection towards this service by the end users. The inference is that public participation as a crucial democratic tool is paramount in informing sound decision making in policy formulation and implementation. When communities are involved in decision making for example, they tend to feel a sense of ownership and the likelihood that they will safeguard, rather than vandalise property, becomes highly probable.

**Key words:** *Local Government, South Africa, Cape Town, Challenges, Policy Implementation, Public Participation, Sanitation, Legislative Frameworks, Community, Decision-Making.*



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## ABBREVIATIONS

<b>ANC</b>	African National Congress
<b>ANCYL</b>	African National Congress Youth League
<b>COGTA</b>	Cooperative Governance and Traditional Affairs
<b>DA</b>	Democratic Alliance
<b>DHS</b>	Department of Human Settlements
<b>DLG</b>	Department of Local Government
<b>DWA</b>	Department of Water Affairs
<b>DWAF</b>	Department of Water Affairs and Forestry
<b>EHP</b>	Environmental Health Programme
<b>HIV/AIDS</b>	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
<b>IDS</b>	Institute of Development Studies
<b>LOFLOS</b>	Low flow on-site sanitation
<b>MSA</b>	Municipal Systems Act
<b>OECD</b>	Organization for Economic Co-operation and Development
<b>PALAMA</b>	Public Administration Leadership and Management Academy
<b>PFTs</b>	Portable Flush Toilets
<b>RSA</b>	Republic of South Africa
<b>SA</b>	South Africa
<b>SAHRC</b>	The South African Human Rights Commission
<b>SAICE</b>	The South African Institution of Civil Engineering
<b>SALGA</b>	South African Local Government Association
<b>StatsSA</b>	Statistics South Africa
<b>UISP</b>	Upgrading of Informal Settlements Programme
<b>UK</b>	United Kingdom
<b>UNDP</b>	United Nations Development Programme
<b>USAID</b>	United States Agency for International Development
<b>WD-SA</b>	Water Dialogues-South Africa
<b>WRC</b>	Water Research Commission

# CHAPTER 1:

## SETTING THE SCENE

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### **1.0 Introduction**

The South African government is divided into three spheres: local government; provincial government and national government. Through these spheres of government, the local government is reflected as being nearer to the public. Local government involves communities in providing input towards the delivery of public services; this is to ensure that development and transformation is geared towards community needs (White Paper on Local Government 1998: ix, and Department of Provincial and Local Government 2005:10). According to Mofolo (2016:231), even after 23 years of democracy in South Africa, it is apparent that public participation in local government should be improved.

In evaluating the root causes of unsatisfactory service delivery, a number of issues such as exclusion of communities from decision-making, a lack of accountability and dysfunctionality of community engagement, come to the front (Mofolo 2016:231). To this end, it becomes necessary to strengthen the procedures, or rather, the tools and channels of engaging communities in service delivery in various municipalities across the country. Or else, if such tools and channels are left without being restored, the possibility exists that the state of unrest around service delivery in the country will continue (Mofolo 2016:232). For instance, according to the Mail & Guardian Newspaper (2011), the furore over the toilets in Makhaza informal settlement on the outskirts of Khayelitsha began in 2007 when the Cape Town Metropolitan Council installed a total of 1316 exposed porcelain toilets in an open field in the informal settlement. This generated a violent response from the people when the City Municipal Council stated that the toilets were constructed according to an agreement that the residents would enclose them by themselves. However, the residents indicated that it was not their responsibility to enclose the toilets because they did not own them. At the time five households were assigned to share one toilet and were expected to clean these toilets.

It is well known that opinions of the local communities, gathered through public participation, should be used to enrich policies and decision-making processes when the government at local sphere selects projects to enhance delivery of services. Mzimakwe (2010:505) notes that the benefits of public participation include improving the quality of policy-making and services by providing an opportunity for government to tap into complete sources of information,

perspectives and potential solutions. This would create the space for greater and faster interaction between the public and governments, fostering accountability and transparency, which would improve representativeness and public confidence (thus mitigating service delivery unrest). Draai and Taylor (2009:114) outline that it was necessary to engage citizens in all stages of the policy process, from the planning to the implementation and valuation phases of government activities or projects.

### **1.1 Background to the study**

Worldwide, governments are instituting administrative systems and channels designed to develop public participation, with a view to deepening democracy and promoting efficiency in the delivery of basic services. The British government's Department for International Development (2000:24) outlines that participation in a context of decision-making is central, as it enables the people to claim their rights; therefore, requirements for effective participation voices and interests of the poor are to be taken into account when the decisions are made as well as empowering poor people to hold government officials accountable. Thus, the process reflects a two-way relationship between the government and its citizens through the principle of partnership.

Cited from Tapscott (2012:3), many studies have demonstrated that the poor are disadvantaged in competitive politics. Policy formulation and implementation typically manifest a distinct elite bias. At the same time, it is also evident that the state civil service itself can destabilize public participation, which in turn hinders the reallocation of resources to the poor (Tapscott,2012: 3).

Luckham, Goetz and Kaldor (2003:36) note:

The responsiveness to the needs of the poor often requires changes in a range of administrative and political institutions in order to promote the participation of the poor, which can include the efforts to enhance their capacity to articulate and promote their needs and interests, given that they face special obstacles to interest articulation and aggregation because of problems of exclusion, isolation and miserable.

In the South African case, the participatory systems, introduced since 1994, are far from being meaningful to a large proportion of the population. This is because of the many disparities in the socio-economic status of citizens together with the environment they live in as well as their capacity to make use of the participatory systems and channels available.

According to Anders and Zenker (2014), prior to the ‘Toilet Wars’, the outrageous sanitation circumstances in informal settlements occasionally made it into normal media or national political discourse. This elevated a number of questions that this chapter seeks to address. Initially, what do those protest actions about public engagement in the area, poor sanitation, and the enlarged visibility of everyday realisms of structural poverty, tell about the wider questions concerning ‘transitional justice’ in SA? Also, in what ways has this on-going separation of problems, such as public participation, confronted the overriding interim justice story-that should be founded by ‘new beginning’ considered by the incredible birth of a democratic nation country?

Anders and Zenker (2014) further state that the awareness of public engagement took a stage through the rising issue of sanitation. This manifested, for example, in the form of the Toilet Wars, the pouring of bags of excrement in municipal spaces in disapproval, and social movement activism around these issues. This study proposes that interim justice will remain a delayed and disordered process. One of the insights from the portable flush toilets protests is that the City of Cape Town failed to take full cognition of the protests in meeting the community half-way.

According to Robins (2014), in the early springtime of 2011, an occurrence known as the ‘toilet wars’ erupted. In the course of the run-up to the local government elections, photographs spread in the media of uncovered flush toilets in poor township locations. These photographs hit a raw nerve; the prospect of the current porcelain fixtures without walls presented a mini-spectacle of unrealized infrastructure. ANCYL campaigners came across uncovered toilets in Makhaza informal settlement in Khayelitsha, outside Cape Town, in 2010.

The campaigners recognised that they had toppled onto a political goldmine and started organising around the problem of open toilets, opposing that people had to hide themselves in blankets while using the toilets in public (Robins, 2014). The DA, which was governing the City of Cape Town, claimed that it had notified Makhaza residents during the consultation process of the limited budget that permitted either communal toilet blocks or household toilets. But, the residents themselves provided the activists who tore down hasty enclosures made of timber and corrugated iron that the City government tried to erect, as part of a larger and longer protest against what they perceived as ineffectual and unequal local government. They also went about destroying the fixtures and demanding their replacement with properly enclosed toilets. When the City Government laid charges of destruction of property against the activists, they took the



matter to the SAHRC. The activists presented the matter to SAHRC as a racist violation of the rights and dignity of black South Africans. With the support of the activists, a 76-year-old woman, attacked while using an unclosed toilet, filed a claim in the Western Cape High Court. The Commission agreed with them, and the court found that the City had indeed violated the residents' Constitutional rights to dignity and privacy.

The problem with the toilets led to indignity and inequality. The underlying steer of the protests reflect more on the failure of the Municipality to engage the people in the process of delivering the toilets. Looking back, the apartheid system of government in SA had not only emphasized racial purity and separation between different racial groups; it had also constructed separate and unequal forms of processes used to engage marginalized communities. In response to addressing the imbalances and to engage the people, City of Cape Town developed the Public Engagement Policy in 2009, which outlined the promise of ensuring the Public engagement processes would be flexible, appropriate, informed, inclusive and responsive.

According to Liebenberg (2014), in the SA context, sanitation has a link to the right to equality. In addition, it has a direct impact on people's ability to participate as equals in all aspects of society and is fundamental to achieving the Constitution's goals of social justice and a better life for all. Nevertheless, the findings from the Social Justice Coalition's audit of the janitorial service for communal flush toilets in Khayelitsha raised questions about the City of Cape Town's understanding of the Constitutional requirement of meaningful engagement in the context of socioeconomic rights. The issue is complex in realizing the right to public participation in Cape Town's informal settlements.

As cited by the High Court of South Africa (2011), the City stated in the High Court that they allegedly had a meeting with the community in late November 2007, where the community, community leaders, ward councillor and the project manager for the City were present. The community discussed various topics at the meeting including that the City should install individual toilets in addition to the communal toilets that were already in use. Each land parcel/ house number would have now an individual toilet; however, the community would have to enclose the individual toilets themselves as the City would be providing 1316 unclosed toilets.

The Premier, who was the Mayor of the City at the time, stated that there was never a formal decision, at the executive or council level, within the City, to provide unclosed toilets. She

further stated that the agreement reached was an ad hoc one between officials and community representatives to meet the demands of a specific project. She stated further that she was not privy to the agreement either as Mayor or as the Premier. In fact, according to her, the provision of unclosed toilets, lacking an agreement for enclosure, would be an affront to human dignity (Judge Erasmus, 2011).

According to Judge Erasmus (2011), the agreement that the Premier referred to was the position reached at the meeting, when members of the community were given four days' notice. This meeting took place on the Thursday preceding the meeting originally scheduled for the Sunday, in an open field in the area. The proposed agenda of this meeting included only two items, namely; electricity and refuse removal. The topic of toilets and/ or sanitation was not on the agenda for this meeting. However, it was allegedly placed on the agenda, shortly before the meeting started. The City claimed that 60 members of the community, Ward Councillor, the then Project Manager for the City and community leaders, attended. Nevertheless, none of them deposed to affidavits attesting their attendance except for the community and the development manager of a contractor. It should be noted that, even the line department of the Public Participation Unit, disposed of any recordings for the meeting, which raises concerns as this contradicts its mandate stipulated in the Public Engagement Policy of the City (2009).

At this meeting, the City “presented a proposal to the community based on what was affordable” and based on this proposal, it was agreed:

“Between Mr Mzomba and the community leaders that the City would in addition to the communal toilets, build individual toilets on each of the 1316 erven in Silvertown. Despite this, no minutes of the meeting were taken; as they were allegedly not taken, and therefore there is no way of proving who all attended the meeting” (High Court of South Africa, 2011).

According to Caso, cited in the High Court of South Africa (2011), this was because the meeting, held in the open, took place on a Sunday and was attended by many people. He explained that the keeping of minutes was accordingly impractical - as the meeting was held two years prior to the installation of the unclosed toilets and the tender was awarded in 2009. The question that arose was whether the 60 community members who claimed to attend the meeting in 2007 were still within the community in 2009 when the City installed the unclosed toilets; also, when the City distributed the portable flush toilets in 2011 as an addition to the communal toilets.

According to Yacoob, cited from the High Court of South Africa (2011), a vague agreement was simply not good enough because the City was bound by the prescripts of the Constitution. According to the Constitution, the City must ensure that community participation and negotiated agreements are consistent with the prescripts of the supreme law. Caso, cited in the High Court of South Africa (2011) maintains that in terms of the agreement only 60 people concluded an agreement that was going to govern the living circumstances of approximately 6000 people. This means that less than 1% appeared to represent the population of Makhaza area. It also appears that the Ward Councillor did not have a mandate to sign away the individual rights of members of the community. The inference is that, the nature of the consent in this instance may be problematic, as there was no valid proof suggesting that people attended such a meeting. Now the question that arises, is whether the local residents of the Makhaza area were consulted prior to the installation of PFTs during the period of study focus. Next is the discussion of problem statement of this study.

## **1.2 Problem Statement**

In the Poor Report prepared for the World Bank World Development in 2001, Narayan, cited in Goetz & Gaventa, (2001:2), found that many poor people in developing countries perceive public institutions as distant, unaccountable and corrupt. The report of the study, conducted in 23 countries, concluded that:

“Poor people worldwide believe that State institutions are often neither responsive nor accountable to the poor; poor people see little recourse to injustice, criminality, abuse and corruption by institutions. Not surprisingly, poor women and men lack confidence in state institutions, even though they still express a willingness to participate with them under fairer conditions (Narayan cited in Goetz & Gaventa, (2001:2)”.

Despite public participation in all the policies aimed at improving the quality of life of communities through improved service delivery, post-apartheid South Africa is experiencing a widening gap between the rich and poor, between people at grassroots level and agencies of government at all spheres, but more specifically at the sphere of local government. Factors that contribute to the widening gap include a distrust of public officials by communities and the belief that public officials are removed from the issues affecting the people. Tabane (2004) states that the nationwide protests against poor service delivery at local government sphere reflected the concerns of the citizens who were growing tired of the rhetoric of participation in decision-making and empowerment unaccompanied, by any material gain. Verwey, Lefko, Everett and Mohamed (2009:8) confirmed this view when they state “... recent surveys have

found declining levels of public confidence in the country's institutions and leaders". The Department of Cooperative Governance and Traditional Affairs (COGTA) has linked rising service delivery protests to citizen alienation and exclusion from state institutions (COGTA, 2009:11).

The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) characterizes its obligations as "pro-people". Nevertheless, its provisions underscore the importance of public participation in the processes of governance. Piper (2011:33) argues that without independent, popular rooted and, at the same time, technically capable structures that could facilitate popular demands and the technical and representation demands of the policy, citizen's dissatisfaction and political rule, would not be articulated meaningfully and constructively. Evidence of this is in the study of Tshabalala and Lombard (2009:400), who reveal that citizens expressed concerns about the Ward Committee's roles and their failure to provide reports from both the municipality and the councillors, particularly on community queries. Molepo, Maeka and Khalo (2015:365), in their study on the City of Tshwane, discover the tendency not to provide feedback on meetings and issues affecting a community. Cameron and Milne (2011:38) reveal that in eThekweni, Ward Committees reported that they hardly meet. A concern of this practice is that municipalities are obliged to report to, and to receive feedback from, communities on a continuous basis (Managa, 2012:4). Feedback is critical to community members, as they need to be kept informed about the progress and challenges of projects, such as housing and other basic services (Van de Walddt, 2011:4).

This study aligned the lack of public participation between the City of Cape Town and community members of the Makhaza Area by quoting from a newspaper article written by Damba (2013), highlighting that, after the City of Cape Town was found guilty of violating human rights to dignity and citizens' engagement by the ruling of the High Court in 2011, in the year of 2013, a protest started after residents had a general meeting to discuss issues like crime, which they agreed were escalating. At the meeting, one resident suggested that the community should call the City of Cape Town to inform them of their living conditions. However, the tensions soared when one community leader pulled out a letter from the City of Cape Town addressed to residents, stating that the City would provide them with new portable flush toilets (PFTs). Responding to this letter, the community leader Nokuthula Boqwane was quoted saying:

“Residents see the information as an insult to them as the provision of ‘porta-potties’ toilets mean they will spend another 27 years in the area.”

City Mayoral Committee Councilor Ernest Sonnenberg confirmed the protest saying: “It is important to note that no-one is forced to use this service, the provision is dependent acceptance.”

However, Boqwane said: “They are not given other options like proper flush toilets.”

Resident Nomhle Nyaka said: “We do not want the porta-potties toilets. If the City of Cape Town thinks they are good and private, then they must use it and build us proper toilets.”

Furthermore, Nyaka said: “They have written many letters to City of Cape Town asking to be removed from the area because it is risky and close to the road. However, the pleas have thus far been ignored and protest is the only language government understands (Damba, 2013).”

Through these efforts of the residents in trying to engage with the City of Cape Town in expressing their views, the City of Cape Town began distributing thousands of portable flush toilets (PFTs) in settlements where, for various reasons, it was deemed unfeasible to provide conventional sanitation infrastructure (Robins, 2014). Some of the reasons put forward by the City of Cape Town included the high water table, illegally occupied land, high shack densities, and a variety of other technical reasons.

In response to the City’s rollout of ‘portable flush toilets’, a group of community activists from Ses’khona, began hurling portable flush containers filled with human waste on the N2 Highway, in the departures section of the Cape Town International Airport, on the stairs of the provincial legislature, and at various other sites in the city. The activists insisted that there was a sanitation crisis in the informal settlements in Cape Town, and that the provision of portable flush toilets was unacceptable. The response of the City of Cape Town’s DA politicians and senior officials was to deny that these PFTs resemble the much maligned ‘bucket toilets’, literally buckets of human waste that individuals transported to designated disposal areas, instead, the PFTs were described as safe, hygienic, properly sealed, water – based and fully flushable. The protesters claimed that the PFTs “caused a smell in the houses” and that it was “unhygienic to live with poo inside house”. They added, “They want the residents living in those nicer areas like Constantia to feel how poo can damage your life when it is next to you”.

Robins (2014) further outlines that the Ses’khona leadership was outraged that the poor had to use these PFTs in single-roomed tin shacks, as this meant that intimate partners, parents, and children had to relieve themselves in the same room, and the same space in which they slept,

received guests and prepared their meals. The Ses'khona poo protest of 2013 signalled a rejection of the technocratic and bureaucratic rationalities of the state in favour of the mass mobilization characterized by an affectively charged politics of the instant media spectacle. They made it clear that second –or third-class solutions to sanitation were not going to be acceptable in the poor communities in Cape Town and demanded that the residents be granted access to the same standards of sanitation and public infrastructure that was available in other parts of the city.

Robins (2013) reports in this way:

“On June 3, Lili and Nkohla led an unorthodox service delivery protest in which they dumped human excrement on the steps of the provincial legislature in Wale Street. They followed this up on Monday and dumped another load in the reception area of the Democratic Alliance (DA)-led provincial government's offices on Greenmarket Square. They object to the portable flush toilets that the city has provided in informal settlements to replace the bucket system. Lili and Nkohla claim residents do not want portable toilets, and would prefer flush toilets connected to a drainage system. They reject accusations that their campaign is political and intended to make the province ungovernable, and instead see themselves as activists standing up for poor people who are denied adequate and proper sanitation”.

Through this, it can be concluded that there is a dire need for innovative thinking around public participation in South Africa. For this reason, it is appropriate to undertake this study in order to recommend a conceptual framework that could assist in enhancing public participation and, in that way, mitigate service delivery protests. The main problem identified by the study with regards to the incidents is mainly through the main question of whether public participation was executed prior to the installation of the portable flush toilets in Khayelitsha, Makhaza area. No human being could possibly complain after being provided a platform for being engaged on the ways to solve the problems affecting them directly and being engaged in decision-making in solving those daily problems, but still act aggressively after the agreement.

### **1.3 Research Objectives**

The main objective of this study is to determine, if public participation was conducted prior to the installation of the potable flushable toilets in Khayelitsha, Makhaza area (2011-2015).

The following are the specific objectives of the study:

- To develop a theoretical framework focusing on theories of public participation and decision-making, mainly, those that form the basis of this study.
- To discuss the legislative basis for understanding public participation importance in the South African context and its significance in informing sound decision making.

- To analyze emerging trends from data collected in order to understand whether public participation was conducted prior to the erection of portable flushable toilets in Makhaza area. In doing so, further investigation to determine whether public participation resulting in informed decision making, will be conducted.
- To make conclusions and recommendations with regards to improved public participation in order to derive at informed decision-making.

#### **1.4 Research Questions**

Main question: Was public participation facilitated prior to the installation of portable flushable toilets in Khayelitsha, Makhaza area during 2011-2015?

Specific questions are as follows:

- What are the legislative frameworks, policies and mechanisms governing the public participation process prior to decision making in South Africa?
- Was any public participation conducted prior to the delivering of portable flushable toilets in Khayelitsha, Makhaza area during 2011-2015?
- What are the recommendations of the community, towards improved public participation, which will lead to informed decision-making?

#### **1.5 Significance of the study**

When reflecting on these different issues identified in the literature, the issue that come to the fore is that public participation is firstly a matter of law. As such, it should be implemented according to the requirements of South African policies. Contravention of these policies, becomes an issue of great concern. This discrepancy exacerbates service delivery protests, which have become a norm in South Africa. According to Albeit (2000), the result of lack of public participation is the service delivery protests happening at local government sphere. Thus, it should be understood that local government jointly with other spheres of government provides services to local residents. Given this point, the question is, was there a platform for public participation in order to influence decisions and hold government accountable prior to the distribution of PFTs? Community members sometimes erroneously blame municipalities for functions not within their area of competence. This indicates a weakness with regard to the voices of the people that should be heard in informing government decision-making.

This study is significant since there was hardly any serious academic research undertaken in Khayelitsha, Makhaza based on public participation that links to improved decision-making, so

that the delivery of services is in line with the agreement made between the citizens and the government officials. Moreover, the study is imperative because it makes recommendations that, if considered, could assist in improving the consultation and communication process between public servants and community members, not only in the Khayelitsha, Makhaza area, but also in South Africa at large. In general, this research report may assist academics, readers, and Local Councillors in understanding the degree to which consultation and communication takes place in the Khayelitsha, Makhaza area.

### **1.6 Research Methodology**

The study uses both quantitative and qualitative methodologies. The epistemological point that underpinned this study includes elements of the positivist and interpretivist paradigms. Both viewpoints are relevant in answering the research questions. The nature of the study is that of explanatory research which pursues clarifications of perceived occurrences, difficulties, or actions. Thus, descriptive research scrutinizes the what, where, and when of an occurrence, while explanatory research pursues responses to why and how types of questions by “connecting the dots” in exploration, by finding fundamental causes and results of the objective occurrence reference.

The study used interviews as a source of primary data. Thirty households in the area of study participated in the interview sessions, using the purposive sampling technique to select the households. This technique falls under non-probability sampling because participants who were nominated have a distinct understanding of the phenomenon under research, adequate and significant experience of public participation, but have been dormant in the participation process in Makhaza. Furthermore, a mixed methods approach, using a combination of qualitative and quantitative approaches, was used in order to extend the database and to enrich the study.

### **1.7 Delimitations of the Study**

The study is limited to the area of Makhaza, situated in Cape Town with no assumption to be made that all marginalised areas experience similar experiences and problems or go through similar solutions. The City of Cape Town Service Delivery Charter, where sanitation is a major concern, revealed that there are a number of sanitation services such as: Traditional unimproved pits; Bucket toilets; Portable chemical toilets; Ventilated Improved Pit toilets; Low flow on-site sanitation (LOFLOS); Septic tanks and soak-ways; Septic tank effluent drainage (solids-free sewerage) systems; and Full water-borne sewerage. This research is concerned with portable



flushable toilets; to determine, whether public participation was conducted prior to their distribution in the period 2011 – 2015 in the Makhaza area, respectively.

### **1.8 Ethical Considerations**

According to Ledwaba (2003:17), from the planning to the execution stage, the researcher needs to consider, carefully, the ethical suitability of his or her research. In this study, several ethical issues were taken to consideration. First, the researcher ensured that the questions asked were not offensive to the participants. Second, a tape recorder was used to ensure that all information was captured, especially during in depth interviews. The participants were informed of the reasons for using such a tool as well as its importance for the research. The participants were aware that the interview would be recorded. This was to enable them to make the decision on whether to participate or not. Third, prior to the interviews, we secured the informed consents of the participants. Fourth, the personal rights and privacy of participants were protected by not using any personal information against their will or using personal information for analysis. The names of participants are anonymous and confidential in this report. In this manner, the researcher managed to observe ethical principles and good research practice and moral behaviour at all times. The researcher presented the participants with the letter from the University of the Western Cape prior to conducting the research.

It is of paramount importance to inform that the researcher works at the City of Cape Town. In order to avoid conflict of interest and jeopardize working relationships, the researcher used the documents that were in the public domain of the City of Cape Town. This helped to balance the study and present the information from both sides, with no view of being subjective to the subject matter.

### **1.9 Definition of Terms**

- **Portable Flush Toilets:** Referring to Gontsana (2013), portable flush toilets, or PFTs, are the replacements of what is known as bucket toilets or the bucket system. PFTs come in two parts, the upper part which is made up of the seat and the lower part where the waste goes. The toilet has a small lever that you pull to flush. The waste is carried to the bottom section of the toilet. It is cleaned using chemicals.
- **Public Participation:** According to Devas and Grant (2003:309), public participation is the ‘ways in which citizens exercise influence and control over the decisions that affect them’. Gaventa and Valderrama (1999:4) citing Cunill (1997) refer to public participation as ‘the intervention of citizens with determined social interests in public activities’.

- **Decision-Making:** Decision-making, according to Miller & Byrnes (2001), can be defined as the process of choosing between different alternatives, while in the midst of pursuing a goal. It does not happen in isolation, in fact, there are a number of elements in the individual's immediate environment that play a role in decision-making.
- **Policy Formulation:** According to Hayes (2014), policy formulation is the development of effective and acceptable courses of action for addressing what has been placed on the policy agenda.
- **Policy Implementation:** Hill (1997:129) describes the implementation process as those actions by public or private individuals (or groups) that are directed at the achievement of objectives set forth in prior policy decisions.
- **Erven:** Cited from the Oxford Dictionary (2018), an erven refers to a plot of land.

### 1.10 Chapter Summary and Conclusion

In summary, it is clear that the research problem statement is of importance in being studied. This is because the background of public participation was extracted from different authors, who have demonstrated that there is a huge gap between public participation legislatives and the implementation of public participation as the rule of law which serves as a blueprint document with no power. Other authors highlighted an existing gap in public participation and decision-making, where communication is the matter in this case and decision-making becomes manipulated, result in poor decisions due to the exclusivity of the society in issues affecting them directly. Thus, it also said to lower trust between public and government institutions. The result of losing trust in government is an aggressive community that uses violence as a way of getting their voices heard, such the case of Makhaza area that embarked on a protest to demonstrate the dissatisfaction with the sanitation solutions delivered to them.

In the media publications about the PFTs, the City of Cape Town alleged how it successfully facilitated community involvement for the installation of these toilets, and that since people would be using them regularly, therefore, they should be situated in the single-room tin-shacks. In addition, not on one occasion was this even admitted by the authorities that be. Instead, residents were used as blunt political pawns in the service of unruly ANC upstarts and as unappreciative complications in the City's dauntless efforts in progressively realising their basic sanitation needs. The protesters' conduct was labelled as illegitimate and the waste they had cast

on state institutions and office bearers, as violence. Of course, in the world of twist and political double-speak, it is expectable that the actual violence would be so definitely misplaced.

In closing, the City and the DA delegitimised the expressions of acceptably angry residents by intertwining them with the plot of the ANC's anxious struggle for the DA-ruled Western Cape. Certainly, contrary to how they have been outlined in the public address, the 'toilet wars' are not so much about toilets per se. They indicate the essential violence that poor blacks have been inaccessible in by the State and the institutions of authority. They disprove the waste in which societies have been required to live knee-deep in the ghettos and slums and that they have been consigned to for generations. They signify 20 years of an assault on the unquestionable right to human dignity and citizen participation assured in that initial compressed for liberty after years of entrenched government violence.

### **1.11 Organisation of the study**

A brief preview of each chapter is given in order to provide a layout of the organisation of this thesis.

#### **Chapter One**

This chapter discussed the introduction and background of the study, which outlines public participation prior to the installation of the portable flush toilets in Makhaza area, Khayelitsha in Cape Town. The importance of public participation in achieving informed decision-making is also explained. Specific topics explicated are as follows:

- Study Introduction
- Background of the study
- Research problem,
- Objectives of the study and research questions,
- Significance of the study,
- Research methodology,
- Delimitations of the study,
- Study summary and conclusion.

#### **Chapter Two**

This chapter conversed a theoretical framework on public participation and decision-making which forms the basis upon which this study is grounded. Topics explained are:

##### **Theories of Public Participation**

Public Participation in development discourse

- The Classical Theory
- The Feminism Theory

### **Theories of Decision-Making**

- Rational Model
- Incremental Model
- Heuristic model

### **Chapter Three**

This chapter contains the regulatory and legislative framework that governs public participation in South Africa.

- Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)
- White Paper on Local Government (1998)
- Municipal Structures Act (1998)
- Municipal Systems Act (2000)
- The Draft National Policy Framework for Public Participation (2005)
- City of Cape Town Water & Sanitation Service Standard (2008)
- The National Sanitation Policy (1996)
- Public Engagement Policy of the City of Cape Town (2009)

### **Chapter Four**

This chapter looks at research methodology and design. It discusses how the data is collected and analysed, and what methods of research were used in an attempt to assess the in depth significant knowledge and perceptions of the residents from Makhaza area in Khayelitsha, Cape Town.

### **Chapter Five**

The chapter discusses the presentation of research results, and offers the chosen public participation theory that best suits the Makhaza area in terms of ensuring effective and efficient facilitation of communication between public and government. Conclusions and recommendations are also provided.

The forthcoming chapter dwells on the literature review informing this study. For example, theories of public participation originating from the classical era are critically debated and

contextualized. Furthermore, the research ascends by observing public participation and decision-making theories holistically.

## CHAPTER 2:

### LITERATURE REVIEW

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#### **2.0 Introduction**

The preceding chapter presented the research background, problem, significance, objectives and research methodology. This current chapter reviews the literature associated with theoretical framework upon which this study is based. These theories are: ‘public participation theories’ and ‘decision-making theories’. The Organization for Economic Co-operation and Development (OECD) (1997) stated that in the process of promoting good governance, the people are the main participants in matters concerning public service, particularly since they are the beneficiaries of the services distributed to them by government. The elevation of citizens’ involvement is normally understood to have three crucial purposes. The first is to expand equality, predominantly at the local sphere of government, by moving beyond demonstrative equality (implemented over official election practices) to further direct practices of participating with the government intended at impelling policy making procedures (Roberts, 2004). The second is to guarantee that the services distributed correspond to the desires and expectations of local societies, and the third is to allow people to implement oversight over the actions of government. The attainment of these purposes is challenging to all governments but, as specified, they are mostly challenging in states whose citizens come from a varied and imbalanced socioeconomic status.

This chapter reviews the literature associated with the concept of public participation. Specifically, literature on theories of public participation, and theories of decision-making, will be reviewed, particularly in relation to public participation.

The theoretical framework in this chapter is two-pronged. The first part probes the various theories of public participation, with emphasis on the Classical democratic theory and Feminist theory. It also observes the evolution of the Development discourse with reference to public participation and then links public participation to governance and development debates. The second part observes decision-making theories from the viewpoint of the citizens who are partaking. It demonstrates the obligation of better public participation in order for the process of decision-making to be transparent and fair.

The objective behind considering the theories of both public participation and decision-making is to evaluate the degree to which the linkage of the theories implemented together would result

into better delivery of basic services to the citizens at the local government sphere - mainly in the context of participation. It is also vital to mention that the chapter will not provide an identified model or theory, which attempts to interlink or relates the best theory to be used in recurring the crises and bottlenecks of service delivery at the local government sphere, leading to a strongly designed and implemented participatory systems.

## **2.1 Public Participation in development discourse**

Participation has been part of development discourse since the 1980's and has presently taken on diverse significance. This sub-section discourses the shifting opinions and the persuading dynamics of participation over time. Different authors also anticipate definite and idyllic societal developments.

### **The need for greater citizen participation**

The literature (Institute of Development Studies (IDS), 2000; IDS Bulletin, 2004; Gaventa, 2002; Gaventa, 2004) denotes the usage of 'participation' in the discourse of improvement over the past two decades. Generally, the notion denotes participation in the social arena, in community or in development projects (Gaventa: 2002). More lately, the idea of participation is being linked to rights of citizenship and to democratic governance. There is a difference, however, between citizens' participation in improvement discourse, on the one hand, and governance, on the other hand. Gaventa is one of the foremost supporters of citizens' participation in governance. In a seminar paper (Gaventa 2001: 1-10), the author scrutinises six propositions for the support of citizens' participation in local governance which are significant to this study.

#### **▪ Proposition 1: Relating people and institutions**

The main trial of the twenty-first era is the building of original interactions between the ordinary public and institutes, particularly government institutes which touch their lives (Gaventa, 2001: 1-10). The World Development Report 2000/1(1999), Voices of the Poor study, demonstrates that there is a rising breach between the underprivileged and the institutes of government. Various underprivileged societies recognise the institutions of the government as unfriendly, inexplicable and unethical. The study, piloted in 23 states, makes the following decision:

“From the perspective of the poor people world-wide, there is a crisis in governance. While the range of institutions that play important roles in poor people's lives is vast, poor people are excluded from participation in governance. State institutions, whether represented by central ministries or local government

are often neither responsive nor accountable to the poor; rather the report details the arrogance and disdain with which poor people are treated. Poor people see little recourse to injustice, criminality, abuse and corruption by institutions. Not surprisingly, poor men and women lack confidence in the state institutions even though they still express their willingness to partner with them under fairer rules” (Narayan, et. al, 2000: 172).

Gaventa (2001) denotes two additional key studies, one by the Common Wealth Foundation (1999) and another by the Joseph Rowntree Foundation (1998) in the United Kingdom (UK), which mark related decisions about the rising catastrophe in the association between citizens and their institutes of government.

▪ **Proposition 2: Working on both sides of the equation**

Upgrading relations between citizens and their confined governments shows the functioning of both sides, that is, going afar ‘civil society’ or ‘state-based’, to emphasis on their collaboration, through original methods of participation, receptiveness and responsibility (Gaventa, 2001: 1-10). According to Gaventa (2001) and Fund and Wright (2001: 4), there has been a deterioration in government institutes over deregulation, denationalization and a decline in social services. It is claimed that reacting to this catastrophe means expanding democracy and pursuing new forms for its manifestation. The institutes of government need be made more receptive and responsible. On the other side of the comparison, it is suggested that the procedures of citizen participation be supported through new forms of presence, meeting and deployment.

▪ **Proposition 3: Rethinking voice, and the reconceptualization of participation and citizenship**

According to Gaventa (2001:1-10), the demand for new approaches to close the gap between the public and the government contains important reconsideration for ways in which citizens’ voices are expressed and exemplified in the political process. There is also the need for the reconceptualization of the concepts of participation and citizenship in connection to local governance. There is a rising belief that democratic politics and representative democracy have become inactive. There is a necessity for additional comprehensive and considered forms of assignation between civilians and government. Furthermore, the objective is to enable local citizens rather than continue being inactive receivers of services. Numerous examples of innovation practices have manifest in India, Brazil, Philippines, Bolivia, Romania, South Africa and Moldova: [Lingayah and McGillivray (1999); Gret and Sintomer (2005); Beall (2005); Cornwall and Pratt (2003); Toolkit Participation (2005); McGee, Bazaara, Gaventa, Nierras, Rai, Rocamora, Saule Jr, Williams and Zaemerio (2003)].



▪ **Proposition 4: Learning about the outcomes as we go along**

Though exploration of original democratic procedures of local governance is serious, it is also important to be knowledgeable about how they work, for whom, and what the social justice effects are. On a broad spectrum, while there is a selected indication of encouraging ‘democracy’ building, there is less indication of the pro-deprived growth results of participatory power (Gaventa, 2001: 1-10). The negative opinion around participation is that it just releases a space for local leaders rather than allowing the underprivileged and the sidelined to participate. On the other hand, as shown by the workings cited above, there are good illustrations of citizens’ participation in places such as Kerala, Porto Alegre, even in South Africa, with particular reference to the Treatment Action Campaign (Cornwall, 2004: 1-3).

▪ **Proposition 5: Building conditions for success**

The supporting circumstances for the improved known ‘successful’ strategies of participatory power are restricted to a few states. Operative interference approaches in utmost cases then must originate in order to generate the essential circumstances needed for participatory power to prosper (Gaventa, 2001: 1-10). Quoting Heller (2001), Gaventa (2001: 3) underlines that the supporting circumstances for participatory governance in India and Brazil appear to be a tough dominant state capability; a well-developed civil society; and structured political strength, such as a party, with robust and socialistic features. The preceding has vast consequences for duplication in settings where these pre-circumstances do not happen.

▪ **Proposition 6: Contesting the ‘local’ in an era of globalization**

Although the ‘local’, and associated subjects of ‘participation’ and empowerment’ are progressively fragments of the improvement discourse, the ‘local’ has numerous contradictory political significances, and is itself a tricky notion, particularly in a period of improved globalization (Gaventa, 2001: 1-10). The ‘local’ is the site and expression for democracy structure and citizen participation, where the public meet the institutes of government, politicians and receive services. The problem ascends when the ‘local’ is uncertain by diverse outlines and a variation of actors from mass organizations and social activities to political parties, and to international organizations involving the World Bank, UNDP, and USAID. The second problem is the relations concerning local and national policy approaches. The emphasis on devolution may weaken convinced national urgencies.

Lastly, the problem becomes greater when inquiries of global governance and global citizenship are elevated. Certain recognised worldwide rights and conventions might clash with local considerations of rights and citizenship.

## **2.2 Theories of Public Participation**

The principal aim of this section is to discuss theories underpinning public participation followed by theories of decision-making. This collaboration of theories is necessary because public participation and decision-making are very broad concepts that can be examined from different perspectives.

According to Agere (2000:9), “participation is the process whereby stakeholders exercise influence over public policy decisions and share control over resources and institutions that affect their lives, thereby providing a check on the power of their government”. Bishop and Davis (2002:14) note, “Participation is the expectation that citizens have a voice in policy choices.” In that respect, involvement can be understood to signify the distribution of encouragement between the ‘governed’ and the ‘government’. Swanepoel and de Beer (2012: xviii) similarly provide an opinion that participation can also be “something given to the poor by authority...working for the alleviation of poverty”.

Active citizens’ involvement is perceived as critical in improving the governance of any government (Haus and Heinelt, 2005). This is attainable if normal people are involved in decision making practices together with government bureaucrats. Public involvement denotes that individuals become involved in matters which, affect their well-being, specifically in relation to their oversight of the performance of the state. Active public involvement raises trust between the people, their governments and other social and political alliances in the republic (Agere, 2000:10).

In the 1900s, Brazil presented a method termed Participating Budgeting (PB). Through this method, people were involved in the budget procedure at the local sphere of government and were given a chance to state their views to their metropolitan representatives on a yearly basis. This exercise has confirmed that the vigorous participation of people can result in a comprehensive procedure and the active arranging of metropolitan resources. According to Melgar (2014:129) “Through the PB, grassroots communities began increasingly to exercise their ‘voice’ in budget allocation, in the process shifting public goods to some of the city’s poorest communities”. The participating budgeting method exemplifies how direct participation by people in government issues can result in further operational service distribution and better social inclusion.

Roberts (2004:315) notes that, involvement might involve two practices: ‘direct citizen participation and indirect citizen participation.’ Direct citizen participation is termed as “the

fulfillment of one's legal rights and duties as specified in the constitution or alternatively active involvement in substantive issues of government and community." On the other hand, indirect citizen participation is a practice of "representative democracy" through involvement in elections. Cornwall differentiates between what she expresses as the "invited" and "created" spaces for public participation in her conceptualisation of the forms of citizen engagement with the government (Cornwall, 2002). The former relates to the arrangements and methods recognised by the government to stimulate citizen involvement (these might comprise Local Councils, Citizen Forums, and Ward Committees etc.), while the latter relates to the kinds of organisation and engagement which are generated by citizens themselves (these would comprise social movements, civil society organisations, and various forms of protest).

The Working Group on Programme Harmonization, 1978 in Oakley and Marsden (1984:1), indicated that, what gave a clear understanding of popular participation was the "collective efforts by the people concerned together pull their efforts and resources in order to attain objectives they set for themselves." Kumar (2002:24) argues that participation in this regard deals with encouraging participants to take initiatives and actions stimulated by their own thinking and deliberation and taking ownership of those issues over which they could exert effective control. Being involved in decision-making generally augments a sense of ownership and citizens are likely to protect what they believe is theirs.

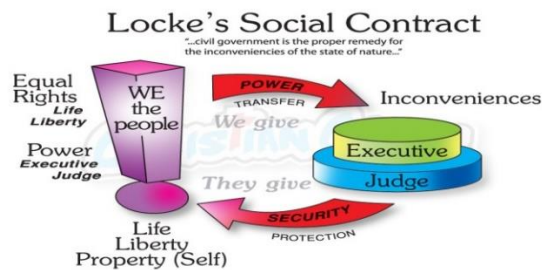
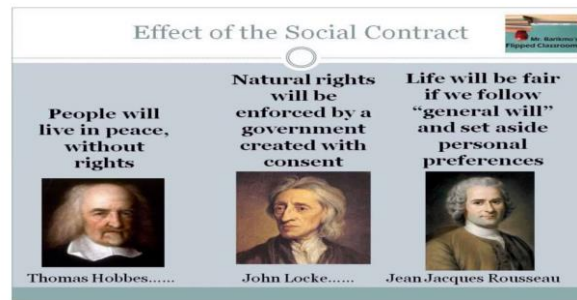
The notion of citizens' participation can be traced to three main sources:

- Classical democratic theory, notably in the work of Rousseau [Pateman, (1970); Held, (1993)];
- Feminist theory [Young, (1990); Phillips, (1991); Mouffe, (1993)];
- Development discourse [Fung and Wright (2001); Institute of Development Studies (2004); Gaventa, (2002)].

The following discussion provides a detailed theory of public participation relative to satisfying the public through valuing their voices in the decision-making process regarding delivery of services. The presentation of these theories focuses on promoting a democratic process, through which the public might be involved in deliberations surrounding decisions that directly affect them and their local communities. Through such a process, the public might have alternative and independent methods of dispute resolution when they are either unhappy with a decision itself, or the manner in which it has been made. Each of these three central ideas is examined below.

## 2.2.1 Participation in classical theory

**Figure 2.1:** Participation in classical theory



(Source: John Locke's Social Contract infographic available on <https://www.google.co.za/search?dcr.com> )

Rousseau's theory of participation, originated in "The Social Contract", the crux of the participation of every citizen in civil decision-making (Pateman, 1970: 22). When Rousseau abstracted an idyllic institutional plan to be a participatory political system, it was before the present institutes of democracy were established. According to Frohock (1980), the social contract theory started with the state of nature. In the state of nature, there was harmony, good will, common support and reservation. This meant that there was no central authority to rule or control the people. Humans were in oneness with their being and nobody was superior to the other. According to Eagan (2010), two of the initial inspirations for the deliberative democratic theories were John Rawls and Jürgen Habermas.

Rawls supported the use of motive in safeguarding the agenda for a just political humanity. Rawl's motive restrains self-interest to validate the arrangement of a political humanity that is unbiased for all participants. The general public safeguards equivalent rights for all participants of that general public. These settings protect the probability for unbiased citizen participation yet to come (Nell, Boulding and Worland, 1973). On the other hand, Fraser (1992) cited from Habermas (1996:248), has argued that rational processes and clear communication can harvest

reasonable, as well as consensual decisions by people. These reasonable processes, leading the deliberative process, are what legitimise the results.

Rousseau believed that the best condition for decision-making was one where no structured groups were present, just individuals, with importance given to equivalent and autonomous individuals (Pateman, 1970: 30). This guaranteed the equal sharing of political control when participating in institutes. Frohock (1980), who supports this viewpoint, states that humans revel in comprehensive liberty and impartiality present in the state of nature and all humans lived according to their own needs and desires. This is the law of nature, built on intention and fairness. For example, people revel in undeniable rights like the rights to life, freedom and property. In the state of nature, each human was his own policeman and his own judge. According to Friend (2000), the reason behind Rousseau's philosophy was two-fold: first, participation of individuals was intended to ensure independent decisions. This was the finest way to guarantee a noble government and also to safeguard secret benefits. His idyllic system was anticipated to promote responsible, and individual social and political action through the influence of the participatory process. Rousseau had two other disquiets in mind: individual freedom - 'being one's own master'; and public freedom, where the individual was unified in a community (Friend, 2000).

John Stuart Mill (1993) propounded his theory of public participation around demonstrative government and participatory democracy. Mill's theory, confined in his work, "Representative Government", asserts that the idyllic form of government, which could gratify all the demands of the social public, was one in which the entire population participated, and that participation even in the slightest form, was beneficial (Thompson, 1976: 13). Two key notions of good government disturbed Mill: namely how it stimulates the good administration of matters of society, and how good administration could tolerate the ethical, and knowledgeable engagement of individuals. Therefore, the business of government was to stimulate the development of the broad public in terms of both their understanding and virtues and in applied actions to accomplish proficiency.

Popular modern growth of the liberal democratic belief raised the theory of "deliberative democracy". There are various writings on deliberative democracy and numerous diverse aspects within this theory. Considering the above arguments along with the crux of this study, the reliance will be on a certain form of the theory that is intensely subjective by feminist idea. According to Sunstein (2011), deliberative democracy theorists contend that democracy should not be seen as an instrument for combining the pre-existing inclinations of people, but used fairly

to allow people to decide collectively about social choices. Mansbridge and Parkinson (2012; 11-12) agree that this cognitive method was envisioned to have both epistemic benefits, namely it will achieve improved policy outcomes and proper benefits, and namely it encourages equal respect among citizens.

Mill (1993: 74-92) compares the liberal and deliberative forms of democracy. In the liberal opinion, the purpose of democracy is to combine individual inclinations into a shared choice in a reasonable and effective manner (Mill 1993: 75). According to Eagan (2010), deliberative democracy theory, points to the notion of the academic of alleged in political theory that states that political decisions should be the product of fair and reasonable discussion and debate among citizens. The author continues to state that, in deliberation, people interchange opinions and contemplate diverse claims that are intended to safeguard the public good. Over this exchange, people can come to an arrangement about what process, action, or strategy will best harvest the public good. Deliberation is an essential requirement for the justice of representative political decisions. Rather than thinking of political decisions as the collective of civilians' inclinations, deliberative democracy asserts that people should reach political conclusions over the purpose and the gathering of opposing opinions and perspectives. For instance, this means that, civilian inclinations should be designed by discussion on the improvement of decision making, rather than through self-interest. With respect to singular and collective civilian decision making, deliberative democracy changes the importance from the effect of the decision to the value of the procedure.

As there are numerous opinions in a democracy, political institutes must be capable of redirecting dissimilar principles and interests. The rule is to discover the official structure that best meets the desires of effectiveness and fairness. In undertaking that, liberal democracy needs to choose between the decisions of majoritarian decision-making or a pluralist system where dissimilar groups in society are assigned different amounts of power over decisions in terms of their interests. The argument remains whether this is a rational and effective concession, given the contradictory inclinations articulated in the community at any given time.

Deliberative democratic opinion is precisely mindful that political inclinations will clash and that the drive of democratic institutes need to resolve these clashes. Nevertheless, it envisions this occurring thorough an open debate on matters at stake with the purpose of reaching an arrangement (Mill, 1993: 79). The procedure of realising a decision necessitates changing the original inclinations when taking into account the opinions of others. This means that every

contributor needs to follow a set of values that others consented to earlier by sending suggestions. A debate by liberal democratic believers will not be sufficient without mentioning associational democracy and direct democracy. The unique purpose is that the two trends do not obtain much consideration in that they are normally reflected as unproductive and unrealistic.

Hirst (1993: 112-135), traces associationalism to the 19th era as an assessment of the competitive market society and integrated government control that sheltered private enterprise. Associationalism supported a social process that endorsed social wellbeing without conceding individualistic principles and advanced civil society. The government was appreciated as taking accountability as a service provider. This opinion conflicted with other methods such as representative democracy, which highlighted the role of omission rather than the service source.

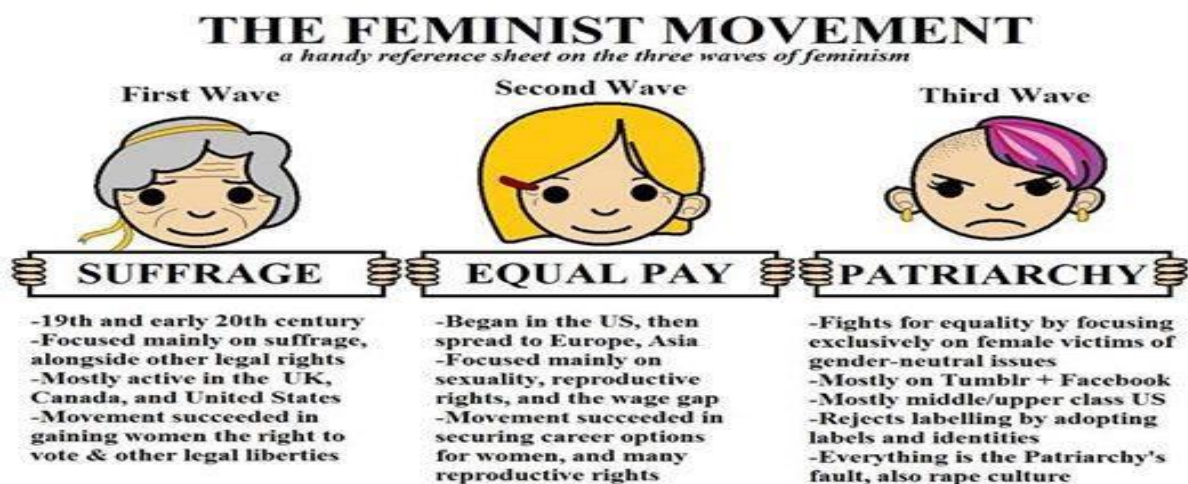
Direct democracy is considered as a system in which the population as a whole vote on all the most vital political decisions (Budge, 1993: 136-155). Such a process can be associated with representative democracies where parliaments consisting of the representatives of society, vote on all political decisions. Direct democracy prevents the need for an effective administration and could result in unreliable policy-making. There is also the broad disbelief that voters are not sufficiently competent to decide on difficult policy matters. For instance, this entails that direct democracy, embraces that people should participate directly in the creation of laws and policies, and not via their legislatures. Supporters of direct democracy propose various motives to sustain this opinion, which includes stating that a political movement can be valued in itself, as it entertains and teaches people, and general participation can form influential leaders. Furthermore, according to this theory, people do not really rule themselves except they openly decide on laws and policies for themselves.

South Africans have just reserved that significant “distinct step”, as we marked our ballot papers for the new administration. Importantly, we have completed an initiate for a new establishment; the 2009 general elections are another important distinct step, (Pettit, 1997). The recent past, for nearly all South African citizens, has completely challenged us. Though citizens are not coming out completely unharmed, they are injured. We are yet a country of endless spirit and capability, overwhelmed by the whims of our actualities. What South Africa needs is real social contract, or otherwise an operative social contract. The philosophy of a contained social contract embraces that by continuing in the territory controlled by certain people, who generally have a government, individuals are in agreement in joining that society and being ruled by its government, (Van Blerck, 1996). Public policy-making in democratic South Africa acquired a dissimilar system to

what most had expected prior to 1994. Several main social actors had anticipated that values and developing practices for participating decision-making would be sustained and reinforced, in line with the politics of the mass democratic movement of the 1980's and early 1990's. As a substitute, policy-making has become quite shut, tiered, and expert-driven, and is problematic for general movements. (Mcewan, 2005). The researcher considers that the concept of democracy has not been grasped by the majority of South Africans and that the present social contract between the government, business sector, welfare agencies and the people at large in South Africa, leaves much to be considered.

### 2.2.2 Participation in feminist theory

Figure 2.2: Participation in feminist theory



(Source: The Media & Stereotypes, available on <https://www.google.co.za/search?dcr.com> )

The impress of civilian participation needs to cover gender perspectives of local communities, typically females in urban and rural surroundings. There is a fascinating case to distinguish and contain considerate, education and abilities of females' lives, manners, authority affairs, beliefs and ways of rational, interested in the growth and participating methods. The government needs to understand that attendance does not equal involvement. Therefore, just because females are present does not mean that females are acknowledged. For instance, in various situations, social customs and cultural arrangements guarantee that females will not voice themselves or that they will not be heard. As Banks (2008: 1043-1062) has pointed out in her study of exterior and interior inclusion, letting the public participate is not the same as guaranteeing that their participation is significant. For instance, this can be traced to the experience of older women who find it difficult to use the portable flush toilets because of they suffer from arthritis, those who are physically disabled, and another problem can be related to the issues that females had



to face when the unclosed toilets were installed, as they were placed far from their houses and have to travel at night to use the communal toilets, putting their safety at risk. Such occurrences further emphasise the lack of special care such as, accommodating females, and reassuring that the female toilets being installed are user friendly to both older and young females, to avoid an exclusion of females. In South Africa, a policy was aimed at a public discussion process for previously disadvantaged people to address the imbalances of the past, but, for political reasons, the policy is failing.

However, the South African government has determinedly encouraged the participation of gender representatives in most spheres of the polity, including national, provincial parliaments and local government; public enterprises and entities; also role players in the justice system. Women progressively are more apparent in public life. In order to incorporate feminist theory into the participatory address, the theoretical theories of three authors are concisely discoursed.

In Young's (1990: 121-129) theory of group democracy, tolerance is prohibited on the grounds that it honours the quest of private life and so marks the de-politicisation of public life. The author joins public humanists, who drawing from Rousseau, plea for a strengthened public sphere: freedom lies in participation in honest public debate and in shared decision-making (Young, 1990: 116). However, Young critiques public humanism and tolerance for their masculine oddity. For widespread citizenship to be recognized, Young considers that there must be tools for representation of groups with contradictory familiarities and viewpoints in the political process. The ideal is the participation of groups of citizens in the public domain who declare from their particular familiarity, welfares and consuming rights to recommend policies on the beginning of those welfares and to prohibit others that might disturb them unsympathetically (Friend, 2000) cited in (Rousseau, 1987: 121-129). Groups of citizens are recognized according to set criteria including, detriment in terms of mistreatment, sidelining, ineffectiveness, cultural dominance and/or the experience of discrimination.

Phillip's theory of representative democracy too discards the impression of liberal individualism as masculinist (Phillips, 1991: 2-4). Liberal individualism upholds that all individuals are equal and that whichever dissimilarity exists amongst them is unrelated. Conferring to this opinion, political representation would sufficiently reflect all groups in modern society. For this purpose, Phillips courtesies shares as a way of balancing participation in representative democracy. Rather than being a way of signifying women per se, the alignment of society reflected society more effectively. Phillips then recommends a system of shares, for example, in the selection of

party contestants for voting. The key goal of Phillips is to illustrate, that although tolerance upholds the fairness of all citizens, tilted gender representation does occur in a democracy.

Mouffe (1994: 4-6) recommends a theory of radical democracy. Her unease encompasses the contestation of the association of unfairness and demotion, using the values of freedom and equality that were initially restricted to the community sphere but which have now been stretched by social activities into all areas of life. She, too, criticizes liberalism for assuming a similar citizenship based on masculine lines, which have demoted all differences to the restrictions. Women and minorities experience the greatest disadvantage in this planning (Mouffe, 1994: 4-6). Dissimilar to the theories of Young and Phillips above, Mouffe considers the full attainable amount of freedom and fairness for all; the ambition to attain widespread liberty and fairness. Mouffe notes that in a modern liberal democracy, it is the worldwide values of freedom and fairness that deliver the ‘grammar’ of citizenship. These values are drawn-out in radical democracy. Democracy proceeds on a worldwide facet but tolerates dissimilarities. All democratic citizens recognize the values of fairness and freedom, but nevertheless use them in dissimilar ways. Mouffe does not impute to the feminist opinion that citizenship must be stimulated. In applied terms, while not rejecting the dissimilarities of the masculinities, Mouffe openly divides this from political citizenship, where she states, sexual dissimilarity should not be a binding difference (Mouffe 1994: 6).

Based on the information provided above, it is evident that the democratic theory has significant resonances with the feminist theory. Ruddick (1982), agrees with this assertion when she writes that, the emphasis on encouragement and cooperation, rather than modest popular dominance, are shaped in relations with others, as well as the honesty of the intellectual in terms of “we” rather than “I”. All associate with ideas in feminist theory about maternal thinking on the female forms of thinking. In addition, Gilligan (1987) agrees further by stating the means by which gender individuality affects the creation of a restricted sense of self. For instance, numerous females may find a deliberative system friendlier than a competitive or aggregative one. Feminists have described deliberative democracy as extremely urgent on at least two grounds.

First, the notion of “deliberation” can be understood in a fine way that treats the procedures of thinking most thoroughly related to white men. Deliberation can be understood as eliminating sentiment and depends on old-fashioned procedures of reasoning rather than different procedures of expression such as story-telling. In this procedure, the centre on deliberation can make it problematic for females, persons of color, working class individuals and others, to be full

accomplices in the process. According to Young (1997:60-66), opening up the procedures of communication intended, to comprise the numerous kinds usually omitted from systematic thinking, leads to a fading of the epistemic assertions for this ideal. Arguing for a continued focus on reason, the study states that at the unchanged period, it reinforces the principled and self-governing rights because it signifies better admiration for dissimilarities. The author trusts that epistemic rights need re-assessment on any occasion. Williams (2004) outlines that she will follow Iris Marion Young's practice and refer to "dialogic" rather than to "deliberative" democracy, as an approach of seizing this widened opinion of the communication convoluted.

Feminist theorists have emphasized the methods through which control inequities certainly disturb the unrestricted and equal discourse on which this ideal of democracy depends. As Jane Mansbridge (1998:148) defines it, there has been a "feminist enterprise of unmasking, and guarding against, subtle forms of domination." For instance, Fraser (1992:123) says that if females are supplementary expected to retain their own needs unspecified, as a tactic for shunning conflict, then part of the procedure must be dedicated to assisting individuals attend to their welfare and needs, instead of supposing that they already recognize them. In addition, if sub-ordinated individuals are expected to be quieter and less truthful when participants of the governing group are in the room, the procedure of self-assessment necessitates to be undertaken in reasonably harmless spaces with their own groups: for example, the "counter publics" that Nancy Fraser has explored.

With each of these theorists, the effort was to gaze afar at tolerance, and in specific outside the notion of universalism and of liberal individualism. The notion of feminist theory then was to cultivate a sincere universalism that is comprehensive of all citizens of a democracy. Feminist theory does present complications for exploration: how to account for group identities, essential dissimilarities, and uneven progress. This is, however, not the capability of this study.

Furthermore, the multi-pronged nature of public participation presented in this chapter provides useful information that broadens the understanding of this concept from all angles. However, the theory that best fit this research is deliberative democracy which argues that the people should be encouraged to interchange opinions and contemplate diverse claims that are intended to safeguard the public and reach an arrangement about what process, action, or strategy will best harvest the public good. Here, people reach political conclusions over the purpose and the gathering of opposing opinions and perspectives. The second public participation theory that resonates well with the position of this study is 'representative democracy'. This notion applies well to the South African context as the country follows a representative democratic ethos or

approach. Thus, citizens elect people such as ward councilors and ward committees to represent them on matters affecting them. Next to be discussed and analyzed are decision-making theories.

### **2.3 Theories of Decision-Making**

The theories of decision-making discussed henceforward are aligned with public participation that is widely practised in the decision-making process. Public participation can benefit agencies by supporting their decisions, and by bringing new ideas and solutions to the process (Smith & McDonough, 2001). Public participation in the decision-making process is aimed at bringing fairness to the process. The most effective way of communication is by sharing the information in personal face-to-face communication with a person or a group (OECD, 2009). Two-way flows of information give the participants an opportunity to express their opinions, see the reaction, and receive feedback on their comments. For a successful decision-making process, the interaction between citizens and government has to be meaningful.

#### **2.3.1 Rational model**

According to Earle (2007:15), the rational model is regularly condemned as impractical. Yet, several individuals who have made this condemnation, and almost everybody who participates in development, consider that rational decision-making is the best method. The theory of this demonstration is that the rational model records in detail what happens and can be used to lead by public officials. Hanekom & Thornhill (1983: 78) describe rational decision-making as a cold, calculated procedure eliminating insight, emotions, and opinions, in which only the "hard" facts are taken into account when a choice is made. And Oluo (2007:283) states that the most recognized and most broadly acknowledged theory is the full rationality approach to policy decision-making.

Earle (2007:22) further states that the initial characteristics of the theory are values. That is a key foundation of the argument because of its basic idea that decision-makers retain identified values, and are orderly according to virtual inclinations, preceding the making of decisions. Still, a previous values necessity does make at smallest intangible logic if it is observed in the situation of one or more super-ordinate aims, such as service to citizens, that action as a uniting standard, an emphasis of devoted action. The aim must be constant and must have genuine significance for the participants. With such aims, participants can at least approve the 'reason of their involvement', while their endorsed course of action may differ. If the value arrangement of the players is identified prior to their view of options and making a choice, and if the values are

constant with a bigger, aim of the public, the procedure will display at least some of the essential features of a systematic list of inclinations.

Earle (2007:23) continues to outline that the rational model's alternate courses of action institute a means to the ends inferred by the values. The idea of fundamental choice is then to make the most of the probability of attaining those ends. To make the assessments inferred by this kind of choice, participants must contemplate the selection of options concurrently. They must have more or less vital ground or opportunity in which, to place and scrutinize the options, and they must apprehend the methods by which cause-and-effect interactions results to inputs into outputs (production functions). Meaning, they must have grounds for trusting that engaging in a selected action will develop the anticipated outcomes. In this ideal, choice is a careful act. When, how, and by whom the decision is completed, should be recognizable. At the time of decision, partakers are ideally proficient in forecasting the outcomes or likely outcomes of choice, and those results are predicted and anticipated.

In the rational ideal, execution is open; the list of inclinations and the reason for the decision should diminish conflict and wonder. The operators of feedback evidence must have the critical skills to cognize it, the open-mindedness to be open to it, and the arranged techniques to channel it back into the decision process (Earle, 2007:24). From the above writings about the theory, it can be assumed that rational decision-making does not essentially produce greater decisions. Nonetheless, even if it did, public engagement underlying forces are so difficult that the only usage of the rational theory over time might sightless decision makers to vital events, therefore tapering collaborations and understood procedures in means that would finally become counter-fruitful. The key features of this theory are that, it comprises rational selections about the interest of accepting diverse developments of action to resolve community difficulties. Nevertheless, some form of rational inclusive theory is challenging to recognise entirely in most policy-making situations.

In the late sixties, Lindblom (1968:80) outlined that, for choices to be rational and inclusive at the same time, they would have to encounter the subsequent settings, which are labelled as the rational-inclusive theory of decision-making:

-A distinct or communal decision-maker must recognise a policy matter on which there is agreement among all appropriate participants; a singular or collective decision-maker must explain and regularly rank all aims and purposes whose achievement would signify a determination of the matter;

-A solitary or mutual decision-maker must recognise policy options that may add to the achievement of each aim and objective;

-A single or joint decision-maker must estimate all concerns that will outcome from the assortment of each alternate what;

- A single or cooperative decision-maker must match each alternate in terms of its significances for the achievement of each aim and objective, and

- A single or cooperative decision-maker must select that alternate which makes best use of the accomplishment of purposes.

First, bearing in mind the public participation process, for these and comparable motives, it may seem that the process of making decisions is not and cannot be rational. Attractive as this assumption might be, the powerlessness of the single or cooperative decision-maker to fulfill the settings of the simple model of selections accessible in the public participation agenda, does not mean that the practice or the reference is rational. Moreover, if rationality is intended to be a self-mindful process by means of reasoned influences to make and support advocative rights, it will show not only that several choices are rational; but will also demonstrate that most are multi-rational. This means that there are manifold rational centers fundamental to most policy choices. Conferring to Dunn (1994:274), the rational inclusive theory may be described through numerous methods built on the reasons for which a particular or numerous choices are completed and the aims that are possible to attain in the decision-making process:

- Social rationality is a distinctive of rational choices that comprise the evaluation of options rendering to their capability to preserve or develop respected social organiations, that is, to stimulate institutionalisation;

- Substantive rationality is a distinctive of rational choices that encompasses the evaluation of numerous forms of rationality such as, technical; economic, legal and social in order to make the most correct choice under particular situations.

The overhead analysis of the rationality decision-making theory for the purpose of public participation has two shared features that are, choices and comparison in any particular set of options. In the context of public participation, the above decision-making method might take numerous dimensions. One of the best illustrations of social rationality comprises the addition of rights to autonomous participation in community engagements. The democratic methods in public decision-making are at present in place in many public and private organizations.

Governments must understand this as influences by civil society and non-governmental organizations on public decision-making and, not as a vigour contending with it. Lastly, in substantive rationality, some information may be pulled from the government data policy because it may contain interrogations about the worth of the expenses and assistances of the overhead method to decision-making with a sight to public participation; appreciation for the inclusion of the people.

Observing from the above discussions, one boundless benefit of the rational theory is that the rational decision-making method can be one that brings together, namely tie the stakeholders collectively instead of separating them. This uniting theory also portrays the following theory that we shall now observe, the incremental.

### **2.3.2 Incremental model**

Proceeding to his work in 1968, Lindblom and Braybrooke (1963:18) proposed that there are numerous significant disapprovals of the rational-inclusive theory of decision-making. The primary of these, identified as the fragmented-incremental theory of decision-making, embraces that policy choices rarely obey the necessities of the rational-inclusive theory. Hanekom & Thornhill (1983: 79) clarify the foundation of this model "as the understanding or anticipated state varies only slightly from the current condition and needs a decision affecting only the minimal dissimilarity". It is, hence, acknowledged that the present situation or policies are suitable and by depending on the current situations or policies, the decision-maker approaches each problem or goal in an incremental manner. Conferring to Dunn (1994:275-276), when associating the incremental theory, single or communal decision makers might:

- Ponder in a solitary manner those intentions that vary incrementally, such as, by minor quantities from the status quo; bound the amount of concerns estimate for each alternative;
  - Create joint changes in aims and purposes, while taking into consideration options on the other;
  - Constantly re-convey matters, therefore aims, intentions, and options in the progress of obtaining new data;
  - Examine and assess options in an arrangement of stages, in a way that choices are constantly corrected over time, instead of making a sole opinion preceding action;
  - Constantly alleviating current social matters, instead of solving matters entirely at one period;
- and

- Lastly, share accountability for scrutiny and assessment with several collections in civilization, so that the procedure of creating policy choices is disjointed or fragmented.

According to Frohock (1980:49), the fragmented incrementalism theory provides the impress that the bureaucrat precisely reflects only a partial set of policy options that are incremental additions or changes of a comprehensive set of policies that are agreed upon. Likewise, instrumentalism is fragmented when it gives attention to merely a lesser amount of significant values. The common characteristics of instrumentalism, as defined overhead, appear to be opposite to those of inclusive rationality according to the logic that instrumentalism absences the features ordered with no preparation of aims or means; flawed and incomplete data and the promotion of cost as a significant thought.

Oluo (2007:826) states that in defence of instrumentalism, it could be claimed, that it decreases the importance of matters, and lessens the common complication of the whole procedure. Matters are resolved through negligible assessments. For instance, the installation of the portable flush toilets was to be for a temporary period, on the spot where permanent toilets would be built. Conferring to such action, one can observe that such decision was negligible as the effects of the toilets were not taken into consideration as well as how sidelining the residents would impact the delivery of these toilets. Both realistic scrutiny and the importance of rulings are reflected at the same time. The sign of a good decision is when decision-makers are in agreement, while a pitiable decision rejects or disregards participants, proficient of persuading the anticipated course of action. Consequently, if one desires to think of decision-making models as calling consideration to public participation advantages, this theory is more suitable than the inclusive rationality theory. These theories are suitable when considering that a policy decision affects many matters and individuals, where the matters and individuals affected change rapidly and are fairly different. This is more challenging than a policy decision which affects limited matters and a small amount of individuals. This theory seems suitable for public participation decision-making as the matters and participants form a consistent family of divisions in the world. Hanekom & Thornhill (1983: 79) conclude that the benefit of this model is that it removes unique thinking, speeds up decision-making, and is comparatively economical in contrast with rational and complete decision-making. The inadequacy is in seeking the approval of the competence of current policies, thus highlighting the conservative approach. This disproves the chance for innovative thinking.



### **2.3.3 Heuristic model**

The term heuristics has been explored by different authors who agree that it can be defined as the rational shortcuts that individuals use to empower themselves in order to create logic from a massive amount of data rapidly, although often at the outlay of correctness (Payne, Bettaman and Johnson cited in Maxwell Jeffrey and Levesque (2011). Gigerenzer and Gaissmaier (2011) state that heuristics are utilised in all areas of everyone's lives, either consciously or subconsciously and act to decrease the amount of energy needed to make decisions by eliminating part of the information accessible. Hanekom & Thornhill (1983: 80) also define this model as a procedure where historical understanding is assessed and a solution acquired by trial and inaccuracy, a kind of groping (the process of "disorganizing through?") for agreement and consensus, often reached through reason.

In their inspirational artifact, Tversky and Kahneman (1974) explored three types of heuristics that are used when making decisions in a situation of indecision. These include representativeness heuristics which stress that if an individual is confronted with choices, one of which is familiar, they will select the familiar choice. Goldstein and Gigerenzer (2002), Pachur, Herwig and Steinmann (2012) mark that a second heuristic is availability heuristics where people base their choices on the most readily accessible information. On the other hand, Furnham and Boo (2011) outline the third heuristic as the anchoring heuristic where they explain that these individuals depend too much on a particular piece of information, usually the first part, when making a decision. Finucane, Alhakami, Slovic and Johnson (2000); Slovic, Finucane, Peters and MacGregor, (2007), introduce another heuristic that is common and which is known as the affect heuristic. This is when individuals make decisions by focusing on emotional indications rather than truthful risks and benefits. For example, government officials may make a spur of the moment decision for the locals without properly engaging with the public.

Hanekom & Thornhill (1983: 80) additionally stated that this model is flexible as the purpose is always analyzed and re-interpreted. Gigerenzer, Hertwig and Pachur (2011) state that heuristics in decision-making are believed to be an inferior method for making decisions. However, in a world where there are many unknowns, they are often more accurate than complex methods for influence. An experiment by Czerlinski, Gigerenzer and Goldstein (1999) revealed that simple heuristics are able to achieve similar outcomes as more complex multiple regression calculations. Shah and Oppenheimer (2008) posited that the primary function of heuristics is to reduce the amount of effort required to complete a task. On the other hand, research conducted by Gigerenzer and Gaissmaier (2011) concluded that both individuals and organisations often

make use of heuristics and that better judgments could be made by ignoring part of the information available. Hanekom & Thornhill (1983: 80) tend to agree by outlining that this model is more flexible than rational decision-making, as an individual decision-maker can mislead facts to the degree that decisions reveal purposes far-removed from reality, and basically signify the opinions of the decision-maker. In addition it is claimed that human values, intuition and bias enter into the process. For instance, government officials should make decisions on issues affecting society, and should involve the people in the process. This is because involvement of the public gives them the freedom to raise their voice and be in a partnership in order to avoid decisions that would later impact them negatively. In addition, this ensures no information is missed, avoided or even ignored when a final decision is made.

From the above discussion, theories that best suit the significance of this study are the: ‘rational model’, considered to be the best method because its aim is of genuine significance for participants, meaning it approves of the “reason for their involvement”, while their actions may differ. In addition, a choice is a careful act, the decision taken is ideally proficient for forecasting the outcomes of choice, and the results are predicted. The benefit is bringing together and tying the stakeholders collectively, instead of separating them. Another theory is the ‘incremental model’, described as a civic policy for decision-making as political procedure is categorised by negotiating and compromising among self-gained decision-makers. The choices indicate what is politically realistic instead of what is needed and the decision-makers construct the available status-quo, step-by-step, to reach different outcome from those that exist.

## **2.4 Conclusion**

This chapter provided an overview of the literature on citizen participation, theories of public participation as well as theories of decision-making. It represented the consistency of difficulties confronted by policymakers in planning inclusive and operational participating methods for communities. In addition, it appears that the more diverse, and imbalanced the community, the greater the marginalisation. The chapter which follows examines the countrywide legislative framework for citizen involvement in South Africa and in the City of Cape Town, specifically.

## CHAPTER 3:

### LEGISLATIVE FRAMEWORK

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#### 3.0 Introduction

The previous chapter was based on two theoretical constructs underpinning public participation. The first argument proposed by Rousseau states the proposition of a classical theory that emanates from a social contract where humans were not ruled nor controlled by other humans except being in oneness with their being and where nobody was superior to the other. Rousseau believed that the best condition for decision-making was one where no structured groups were present, just individuals, with the importance placed on equivalent and autonomous individuals. This guaranteed the equivalent sharing of political control when participating in institutes. The second argument is proposed by feminist theory in public participation and argues that the merit between exterior and interior inclusion, and letting the public participate is not the same as guaranteeing that their participation is significant. This means that, regardless of women's representation at public gatherings, they are still controlled or overruled by men or chiefs, especially in rural areas. These traditional structures still exist in democratic South Africa post 1994, mainly in rural areas, and there is a call for stronger enforcement of public participation if the country is to move forward. All the arguments presented appeared to be useful in understanding the theoretical construct underpinning public participation and its potential in improving decision making. The argument by Eagan (2010), which falls under the classical theory on deliberative democracy theory, pragmatically is outstanding in informing this study going forward. Henceforth, the legislative framework upon which this study is based, is discussed.

The focus of this study is to investigate whether public participation was conducted in the Makhaza area in Cape Town prior to the delivery of the portable flush toilets between the years 2011-2015. Since the dawn of democracy in SA, public participation as a tool that drives informed decision-making, was enacted in the Constitution. The Department of Local Government (DPLG) (2004:20), specifies that the local sphere of government in South Africa 'takes its obligation, authorities and roles straight from the Constitution'. Its comparative independence is protected by Section 151 (3) (RSA, 1996) which shapes that 'a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution'. Section 151 (4)

emphasises that ‘the national or provincial government may not compromise or impede a municipality’s ability or right to exercise its powers or perform its functions’ (RSA, 1996). Referring to Frodin (2009:292), ‘the Constitution promotes the local government from a lower sphere to an important sphere in its own right, with a significant independence and the accountability to stimulate social and economic development’. Also, Nel and Binns (2003:169) highlight local government’s cumulative obligation in solving the ‘overwhelming variety of socio-economic encounters’ as ‘crucial representatives for altering South Africa’s people and economy in the post-apartheid period’.

In South Africa, there has been a focus on constructing toilets and meeting the political imperative to deliver on targets, regardless of the actual outcome or impact of the intervention (and often at the expense of community consultation and participation). This is evident by the number of unacceptable “toilets-in-the veld” projects built across the country which are not being used by people. According to the Water Dialogues-South Africa (WD-SA) (2009) report, there is too much focus on targets and numbers at the expense of infrastructure that really works. There is not enough focus on quality and access or on Operation Maintenance “sustainability”. The Infrastructure Report Card (2011) produced by the South African Institution of Civil Engineering (SAICE), shows that access to sanitation has reached 67% of houses in South Africa. Since the 2006 SAICE Report Card was published, 3.3 million additional houses gained access to basic sanitation. However, according to the report, while these statistics reveal the rapidity of sanitation access, users are “often not receiving the full benefit because of high failure rates.” According to WD-SA Synthesis Report (2009), linked to this is the fact that available statistics and data on sanitation provision are highly unreliable, which means that accurate, up-to-date information on basic services backlogs, working infrastructure and finances at local government sphere, is largely non-existent. This affects the ability of all spheres of government to plan effectively. Thus, while official statistics from Stats SA, Department of Human Settlement (DHS), Department of Water Affairs (DWA) and Cooperative Governance and Traditional Affairs (CoGTA) are available, these do not provide an accurate or adequate picture of the state of basic services delivery in South Africa. Municipalities require more support around data collection and analysis in order to plan effectively for service delivery, often in the context of increasing migration, urbanisation and population growth in cities and towns (SAHRC Seventh Report on Economic and Social Rights, 2014).

There are legislations and statutes that affirm the public participation role of local government. These statutes include the Constitution of the Republic of South Africa 1996 (Act 108 of 1996),

the National Sanitation Policy (1996), the Local Government White Paper (1998), and the Local Government Municipal Structures Act (Act 117 of 1998). Others are, the Local Government Municipal Systems Act (Act 32 of 2000), the National Sanitation Policy of (1996), the City of Cape Town Water & Sanitation Service Standard (2008), the Draft National Framework Public Participation (2005) and the Public Engagement Policy of the City of Cape town (2009).

These current regulation, policy structures and documents on public involvement dependably state the significance of public involvement in advance developments. In the following dialogue, these policies and documents denote that distinct determinations must be prepared to ensure the voice of the public on the matters of the Republic, especially for problems concerning improvement and service delivery. The Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) distinguishes that local government has an imperative role to play relative to improvement ingenuities that will encourage the enrichment of the value of life of local societies, mostly those deprived by apartheid.

The involvement of people at local government sphere is enabled through the following regulation and policy documents. These regulation and policy documents are of abundant importance in enlightening the research in terms of the government's obligation and command to individual-centered improvement in South Africa.

### **3.1 Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)**

The principle of community involvement in all spheres of government is protected in the Constitution of SA:

“Section 151(1e) – obliges municipalities to encourage the involvement of communities and community organisations in local government”.

“Section 195 (e) – in terms of the basic values and principles governing public administration – people's needs must be responded to, and the public must be encouraged to participate in policy making”.

In terms of Section 152, local government occurs, among other things, through its mandate to deliver services to societies in a maintainable way. The substances of local government are to:

- a) Provide democratic and accountable government for local communities;
- b) Ensure the provision of services to communities in a sustainable manner;
- c) Promote social and economic development;
- d) Promote a safe and healthy environment; and

- e) Encourage the involvement of communities and community organisations in the matters of local government.

In this regard, Masango (2002:56) outlines that, for appropriate service delivery to happen at local government sphere, participants in the community must obtain evidence about such service from the local government, or else they may struggle and/or discard the provision of such service. The State of the Public Service Report (2009:40) endorses this opinion in that as far as the South African Constitution provides for the involvement of societies in the matters of local government, the several demonstration movements over service delivery in various communities held over the previous year or two reveal a failure in communication between government and people. The failure in communication between government and communities is moreover revealing of the point that the opinions of societies are not being heard and evidence of growth preparation and service delivery is not reaching the public.

Section 153(a) prescribes the developmental duties of municipalities and states. A municipality government must: (a) structure and manage its administration, budgeting and planning processes so as to give priority to the basic needs of the community, and to promote the social and economic development of the community; and (b) participate in national and provincial development programmes. For example, in the Joseph case, the Constitutional Court created a public law “right to receive municipal basic services”, which would include access to basic sanitation. Sections 152 and 153 are contained in Municipal Systems Act Section 2.6 and the Housing Act Section 2.5 outlining the duty of local government to provide these services.

### **3.2 White Paper on Local Government (1998)**

The White Paper on Local Government (RSA 1998) arranges the idea for the original role of local government, which “centers on working with local communities to find sustainable ways to meet their needs and improve the quality of their lives” (RSA, 1998a). The participation of local residents and people in meeting the desires of the people is therefore crucial for the new progressive local government. This method proposed for a progressive local government is certainly a move from the way the earlier government functioned, with a top-down method for policy and improvement (Karlsson, Pampallis and Sithole, 1996: 116).

One of the characteristics of local government, established by the White Paper on Local Government (RSA, 1998a), to guide municipalities in achieving their developmental role, is “democratizing development”. For this determination, the White Paper on Local Government (RSA 1998a), commands local government to “play a central role in promoting local

democracy”, by reassuring the involvement of “residents and communal clusters in the planning and provision of municipal programmes”. Specifically, it necessitates that municipalities stimulate and forcefully inspire the involvement of sidelined groups of people in municipal practices. For this persistence, it creates an actual position for females, who are left out frequently due to complications such as “absence of transport, household accountabilities, personal safety, etc.”

The White Paper on Local Government needs dynamic involvement by people at four levels:

- Voters
- Participants in the policy process
- Consumers and service users
- Partners in resource mobilisation (White Paper on Local Government, 1998:33).

In summary, it underlines that municipalities should encourage vigorous involvement and, thus, councillors should stimulate the involvement of residents and communal groups when planning and conveying municipal programmes. Under those situations, municipalities are stimulated to implement comprehensive methods to encourage public involvement by executing approaches that would offset impediments. Municipalities should reassure the dynamic involvement of the sidelined groups in local government matters (South African Local Government Association (SALGA), 2006:116). Supported by these facts, it turns out to be obvious that confidence is retained when municipalities work together with local communities to find maintainable means of meeting their desires and enhancing the value of the meeting of their lives (The White Paper on Local Government, 1998:17). Next to be discussed is the Municipal Structures Act of 1998.

### **3.3 Municipal Structures Act (1998)**

Additional regulation that arms public participation at local government level is the Municipal Structures Act (RSA 1998b). One of the crucial purposes of this Act is to offer a structure to set guidelines on “the interior systems, structures and office bearers of municipalities”. Section 44(3) (g) of this Act (RSA 1998b) needs the participation of the public and communal organisations in the matters of the local municipality. Concerning this, it necessitates the executive committee of the municipal council to account yearly on this participation and its result.

Section 72 of the Municipal Structures Act (RSA 1998b) creates provision for the creation of Ward Committees as the arrangements for encouraging equal participation in local authority.

The responsibilities of a ward committee, as stipulated by the Act, are “to make recommendations on matters affecting the ward to the ward councillor; or through the ward councillor” to the local Council (RSA 1998b). Further resources for stimulating public involvement, suggested by the Act (RSA 1998b); include involvement through traditional leaders in areas that fall underneath traditional customary law (ibid).

According to Section (19) (3) of this Act (RSA 1998b), municipal councils need to create instruments that will be utilised “to consult the community and community organisations in performing its functions and exercising its powers”.

### **3.4 Municipal Systems Act (2000)**

Additional important regulation that encourages public involvement in local government is the Municipal Systems Act (RSA 2000). Some of the main aims of the (MSA) (RSA 2000) are to deliver an outline for public involvement, meaning that, municipalities are obliged to “develop a culture of municipal governance that complements formal representative government with a system of participatory government”. The MSA (RSA 2000) necessitates that municipalities vigorously cheer societies to partake in local government problems, like “preparation, service delivery, and performance management”. This MSA (RSA 2000) perceives people as citizens, ratepayers, civic organizations, NGOs, the business sector and labour. Section 17(3) of the (MSA) (RSA 2000) entails that municipalities cogitate individuals with “special needs” when creating instruments, procedures and techniques for public involvement. These are: “(a) people who cannot read or write; (b) people with disabilities: (c) women: and (d) other disadvantaged groups”. This would confirm the inclusion of such individuals in municipal practices.

One of the roles of the public in municipal practices is to “contribute to the decision-making processes of the municipality” MSA (RSA 2000: section 5). To convey this role, the MSA (RSA 2000) wants transparency from the municipal council, by confirming that they make the public aware of the municipality’s “state of affairs” and their decisions. Municipalities are mandated by the similar MSA (RSA 2000: section 16(1) (b)) to create an influence concerning capacitating local communities, staff and councillors.

This Act (RSA 2000) outlines instruments, procedures and techniques in which municipalities can permit community involvement in local government. These are involvement in “political structures”; “councillors”; “mechanisms, processes and procedures”, for contribution to municipal governance recognised in terms of this Act and others “established by the municipality”, such as “petitions”; “notification and public comment procedures when



appropriate”; “public meetings and hearings”; discussions with local organisations that have credit with the public, comprising traditional leaders where there is necessity; and “report back to the local community” MSA (RSA 2000).

For instance, The City fortified its actions by depending on its delivery of shared toilets in addition to the open toilets at Makhaza. The City declared that the National Housing Code sets a ratio of one toilet per five households (1:5) as the lowest mandate for a housing project, depending on the EHP. Judge Erasmus distinguished that the City incorrectly conflated the EHP with non-emergency housing, as delivered by the City in the Upgrading of Informal Settlements Programme (UISP) project at Makhaza (Judge Erasmus, 2011). This discovery was based on proposals made by the DHS in the case. Furthermore, Judge Erasmus distinguished that the shared toilets were unusable, and that though the City was trailing an “impressive” programme, the City’s actions were “not in line with the requirements of section 26” and “no thinking was provided to the consequence of their decision and how it would disturb the lives of the community.” According to Judge Erasmus (2011), the judge found that section 73(1) (c) of the Municipal Systems Act needs a municipality to give “the minimum level of basic services”, which comprises the delivery of sanitation services. Irrespective of whether the City assembled individual or communal toilets, the City must guarantee that they guarantee the safety and privacy of the operators and are compliant with the important rights as defined in the Constitution.

### **3.5 The Draft National Policy Framework for Public Participation (2005)**

Conferring to the National Policy Framework for public participation (2005), the government is devoted to community involvement which enables the public, and not demonstration discussions or manipulation. Community involvement should contribute to the building of societies so that they can embrace ward councillors and municipalities responsible to them. The worldwide knowledge in sanitation service provision has exposed that the delivery of sanitation services to deprived societies are unsuccessful if the recipient people are not vigorously consulted in the execution of sanitation projects (WSP, 2007). The White Paper on Basic Household Sanitation firmly supports public involvement in all facets of sanitation service provision and it furthermore prescribes that societies should share in the economic reimbursement of sanitation projects for job formation and local economic growth.

The former legislative provisions and requirements were developed into the Draft National Policy Framework for Public Participation of the DPLG in 2005 and are discussed below. The

Draft National Policy Framework for Public Participation of the DPLG (2005) provides the background to the policy on Public Participation in Local Government in South Africa. The document identifies the assumptions underlying participation, makes reference to different levels of participation, cites the pieces of legislation governing public participation, refers to an evolving approach in practice and mentions initiatives which involve public participation, as well as listing the key principles of public participation.

The document has a strong emphasis on Ward Committees and advocates the role of Ward Committees as a vehicle for enhancing participatory democracy in local government. Ward Committees are made up of representatives of a particular ward representing various interests. The Ward Councillor is the Chairperson of the Ward Committee, and is meant to be an institutionalised channel of communication and interaction between communities and municipalities. Communities must use the Ward Committee to express their needs, their opinions on issues that affect their lives and to have them heard at the municipal sphere via the Ward Councillor (2005:20).

In summary, what this policy framework seeks to promote is communities that are active and involved in managing their own development, claiming their rights and exercising their responsibilities and contributing to governance structures at different spheres, notably at Ward and municipal sphere. For example, abstracted from Erasmus (2011), the ruling establishes that, supposing the City could demonstrate that the arrangement with the public occurred, there are significant procedural and practical difficulties when imposing the agreement. Procedurally, the City merely gave the community four days' notice of the meeting and the anticipated agenda did not contain any item about toilets or sanitation. Less than 1% (60 people) of the community (6 000 people) appeared at the meeting. It was stated that, no minutes were taken at the meeting, and the toilets were only installed two years later. The judgment discusses the significance of public involvement as drawn in the UISP, as well as the idea of "meaningful engagement".

According to Erasmus (2011), the City is bound by the Constitution and the National Housing Code to confirm public involvement, and the agreement was missing in this concern. Practically, the City's agreement failed to take into account those with disabilities, the safety and security of the most helpless members of the community, as well as the possible heightened danger of gender-based violence as outlined by Erasmus. The judgment states that the agreement fails to support the section 26(2) fairness requirement of the Constitution. It additionally offers the

lowest guidelines for agreements with societies for the devotions of generous influence to socio-economic constitutional rights. To be enforceable, the judgment outlines that an agreement must fulfill four minimum necessities namely it need be:

- i. Concluded with duly authorised representatives of the community;
- ii. Concluded at meetings held with adequate notice in order for those representatives to get a proper mandate from their constituencies;
- iii. Properly minutes and publicised; and
- iv. Preceded by some process of information sharing and where necessary technical support, so that the community is properly assisted in concluding such an agreement. Even if all these wants are met, an agreement may not restrict the rights of a marginal section within the public, even if the agreement endorses the rights of a majority (Erasmus, 2011).

### **3.6. Public Engagement Policy of the City of Cape Town (2009)**

The main purpose of this Policy is to help people to understand and encourage them to contribute to the decision-making processes of the Municipality. The expected results to be achieved, include those where everyone is given the opportunity to influence how the Council functions through effective and meaningful public engagement processes, leading to more relevant policies in the governance of the City. The Policy emphasises that, the public engagement processes should be flexible, appropriate, informed, inclusive and responsive.

According to the Policy (2009: 9), the Line Department of Public Participation Unit (PPU) is responsible for the facilitation of public engagement. The mechanisms for the Municipality to deliver basic services as required by the Local Government Municipal Systems Act 32 of (2000) encompass the following steps:

**Step 1:** A Municipality must review and decide on the appropriate mechanisms to provide a municipal service in the Municipality or part of the Municipality - (a) when requested by the local community through the mechanisms, processes and procedures established in terms of Chapter 4 [Section 77(e)].

**Step 2:** If a Municipality decides in terms of sub section 2 (b) to explore the possibility of providing the municipal service through an external mechanism, it must –

- (a) Give notice to the local community of its intention to explore the provision of the municipal service through an external mechanism;

(b) Assess the different service delivery options in terms of section 76 (b), taking into account - (iii) the views of the local community; and (v) the views of organised labour (Section 78[3]).

**Step 3:** Before a Municipality enters into a service delivery agreement with an external service provider, it must establish a programme for community consultation and information dissemination regarding the appointment of the external service provider and the contents of the service delivery agreement. The contents of the service delivery agreement must be communicated to the local community through the media (Section 80 (2)).

**Step 4:** Before establishing an internal municipal service district, the municipality must –

(a) Consult the local community on the following matters:

- (i) The proposed boundaries of the service district;
- (ii) The proposed nature of the municipal service that is to be provided;
- (iii) The proposed method of financing the municipal service; and
- (iv) The proposed mechanism for the provision of the municipal service; and

(b) Obtain the consent of the majority of the members of the local community in the proposed service district that will be required to contribute to the provision of the municipal service (Section 85).

**Roles and Functions of Departmental Stakeholders:** The Policy states that the City of Cape Town will conduct Public Engagement through its Political Structures, Line Departments, Directorates and Consultants while, the Public Participation Unit will:

- Provide assistance and support to stakeholders during each Public Participation Process and in terms of the approved Public Participation Plan;
- Maintain a database of stakeholders;
- Maintain, monitor and manage the Public Engagement Web Portal on the City's Website;
- Act as the link between line departments and Sub-councils in the planning and execution of all administrative Public Engagement Processes;
- Capacitate stakeholders where required;
- Co-ordinate and monitor all Public Participation Processes;
- Manage the annual review of all Public Participation Processes conducted and compile an annual report on Public Participation.

The Policy makes use of an annual review and the report is completed and approved at the end of the calendar year, allowing the City to determine the quality and quantity of processes conducted during the year and to create the necessary interventions where required.

### **3.7 City of Cape Town Water & Sanitation Service Standard (2008)**

This paper prescribes the City of Cape Town's Service Standard for the execution of the water supply and sanitation services policy. The South African government is dedicated to its belief that the entire population have the right to a satisfactory water supply and sanitation. The government aims to advance on the Millennium Development Goal by decreasing the sanitation bottleneck by 2015, and by entirely eradicating the bottleneck by the year 2016.

DWAF, sustained and aided by sanitation role players, has established and launched a "National Sanitation Programme" that is now displaying positive outcomes. The programme centres on the abolition of the sanitation bottleneck in the rural, semi-urban and informal settlement areas by the year 2016.

"Community participation" is recognized as the main condition for the execution of the programme. Projects are to be ultimately determined by the community members, as revealed by the society's readiness to support project execution. Where possible, projects are to be executed without the use of outside servicers to assist the economic development of the residents. Preparation of materials is to be arranged and delivered to local participants in order to construct the facilities. Adequate evidence is to be given to the communal to support them to make a knowledgeable decision with regards to the kind of technology applied.

The High Court of South Africa (2011) states that in contradiction with the policy, in April 2011, the Western Cape High Court gave a verdict in the Beja case, which offers more transparency on the delivery of basic sanitation in informal settlements, and on the importance of consultation with societies in decision-making around basic sanitation delivery. The Beja case rotates around 51 unclosed waterborne toilets that were built at Makhaza in Khayelitsha, City of Cape Town, as part of the Silvertown Housing Project undertaken in terms of Chapter 13 of the National Housing Code (now the UISP).

The City named these toilets, "loos with a view", and claimed that an arrangement had been reached with the community, whereby the City would deliver a toilet to each house/erven (1:1) and residents would offer an insertion for each toilet. The City of Cape Town's (2010) official

grievance was lodged with the SAHRC, which reasoned that the rights to human self-respect and confidentiality had been dishonoured by the open toilets, along with a number of other rights. The SAHRC (2010) scrutinised the grievance and issued a report in June 2010, finding that the City had dishonoured the residents' right to human dignity. The City tried to plea the decision within, but the plea was dismissed.

The Strategic Framework for Water Services, which has lately been permitted by cabinet, makes provision for compulsory delivery of free basic sanitation. The significant writing from this Framework is extracted below:

*“Providing free basic water services”*

The key determination of the free basic water services policy is to support reasonable admission by deprived families to, at minimum, a basic level of water supply and sanitation services.

According to the City of Cape Town Water & Sanitation Service Standard (2008), the description of a basic sanitation service does not describe the technology to be utilised in supplying such a service. This decision, which is made by the water services officials and the public, is the main tool for the realisation of providing unrestricted basic sanitation services in a bearable means. The choice of technology is intensely reliant on settlement circumstances. Water services experts need to usually address the ensuing conditions:

- In rural regions, where housing densities are low and few businesses are located, on-site technical solutions (for example, ventilated improved pit latrines), are an appropriate basic level of service.
- In intermediate areas (for example, semi-urban areas or rural areas where settlement densities are high), the water services authority must decide on an appropriate technology which is financially viable and sustainable. In most instances, on-site sanitation systems are likely to be the most appropriate solution. Care must be exercised when choosing waterborne sanitation systems in this context. The water services authority must ensure that the water services provider will be able to maintain and operate this system sustainably over time, with the available funds. But this forms part of the contradictory argument, evident in the SAICE Report (2011). A finding in a WRC Report (2009) on basic sanitation services is that through case studies of sanitation categories in diverse provinces in South Africa, “there was no single type of sanitation that managed equivalently well.” There are complications around sanitation infrastructure and technology selection:

- Absence of tolerable sanitation delivery in informal settlements, mostly newer settlements and those not in the channel to be advanced in terms of the UISP;
- Misperception of different technical selections for urban, semi-urban and rural regions;
- Absence of bottom-up planning, appropriate discussion and involvement by societies as well as the absence of reliable communication on why and how to use services, which composites care difficulties, absence of buy-in and the use of infrastructure by societies, particularly with respect to the use of substitute technologies; and
- Absence of confidentiality and safety matters around sanitation services, which inhibits individuals from utilising them (WRC Report: 2009).

As stated in the City of Cape Town Water & Sanitation Service Standard (2008), the City of Cape Town has promised the next with concern to water supply and sanitation as per its Consumer Charter:

- Build consumer fulfilment and an allowing surroundings for the growth of significant relations with all members;
- Build public responsiveness, information transfers and additional skills.

Bucket methods of sanitation are not reflected as sufficient from any health viewpoint or in terms of communal tolerability. Cape Town's vision is to eliminate the 20 litre black bucket by 2011 / 2012 or prior to that, funds permitting.

For instance, it was published by Statistics South Africa (StatsSA) in May 2011, a "functioning basic sanitation facility" is distinct as a "flush toilet connected to a public sewerage system or septic tank or a pit latrine with ventilation pipe." As of 2010, the total national admission to basic sanitation is 70% of houses in South Africa. Nationally, as of 2010, 2.5 million houses were using a close pit latrine, 110 000 houses were using the bucket system and 727 000 houses had no toilet at all. According to the General Household Survey (2010), the percentage of persons having to live without toilet facilities or having to use bucket toilets in the South African provinces is still high, despite the facilities delivered. The majority of the public experiencing such conditions remains previously disadvantaged individuals.

The City of Cape Town aims at providing a sanitary environment for all houses in the appropriate area. This might be a flush toilet or an appropriate waterless technology toilet. The first 4, 2 kilolitres of sewage is transported at no charge (free basic). In the improper housing area, the different alternate technologies are assessed on quality. Public involvement practices are a vital part of the installation (City of Cape Town Water & Sanitation Service Standard, 2008).

### **3.8 The National Sanitation Policy of (1996)**

In October 1996, DWAF published the National Sanitation Policy, which trailed from the 1994 White Paper on Water Supply and Sanitation Policy and targeted matters outlined in the 1994 White Paper and which aimed at the improvement of the national sanitation strategy. The National Sanitation Policy describes sanitation as “the principles and practices relating to the collection, removal or disposal of human excreta, refuse and waste water, as they impact upon users, operators and the environment.” The policy lists the key categories of sanitation systems used in South Africa:

- Traditional unimproved pits;
- Bucket toilets;
- Portable chemical toilets;
- Ventilated Improved Pit toilets;
- Low flow on-site sanitation (LOFLOS);
- Septic tanks and soak-aways;
- Septic tank effluent drainage (solids-free sewerage) systems; and
- Full water-borne sewerage.

According to the policy, certain technologies do not meet the policy’s standards for suitable sanitation. This includes the out-dated unchanged pits that do not offer a barrier against flies and other deficiencies and are generally linked to the quality of building. The bucket system does not offer satisfactory sanitation, is socially intolerable to individuals, and must be substituted by a suitable and satisfactory system. Lastly, the portable chemical toilets are not encouraged, except in emergency circumstances (and then only for short periods) due to the high running costs involved (DWAF “National Sanitation Policy”, 1996).

### **3.9 Chapter Summary & Conclusion**

This Chapter has set out the importance and certainty of discussion and communication between nominated representatives and communal participants, particularly at the local sphere. Realistically, this is essential to service delivery at local sphere. Such a form of communication boosts participating fairness and inclusive execution of critical services, not only at the grassroots sphere, but at all spheres of government. This means that, satisfactory discussion and operative communication between councillors and the local public can lead to better-quality public involvement at the grassroots sphere. Basically, elected officials play a serious role concerning service delivery in regional governance due to their strategic setting. Hence, in this Chapter, seven crucial legislative frameworks that are significant to this study were



acknowledged. These are: Constitution of the Republic of South Africa (1996); Municipal Systems Act (1998); Municipal Structures Act (2000); White Paper on Local Government (1996); National Sanitation Policy of (1996); City of Cape Town Water & Sanitation Service Standard of (2008); Draft National Framework Public Participation (2005), and the Public Engagement Policy of the City of Cape Town (2009). In addition, it is disputed in this study that these legislative frameworks should be adequately addressed if councillors are to serve the necessities and prospects of the public.

In conclusion, access to satisfactory sanitation is vital to individual dignity and security, social and psychological well-being, public health, poverty reduction, gender equality, economic development and environmental sustainability. This chapter has drawn crucial legislature, policy, and case law linked to basic sanitation in South Africa, as well as the roles and responsibilities of different spheres of local government. It has also underlined present challenges and fault lines around the delivery of sanitation.

The Constitution, Water Services Act and Municipal Systems Act set out the local government responsibilities of delivering basic municipal services, with specific attention given to the basic necessities of the public and the campaign of social and economic growth of the community. Section 73 of the Municipal Services Act refers to a “right to basic municipal services”. Although the Constitution does not cover the right to basic sanitation, this right is conditional according to a number of other constitutional rights comprising the right of access to adequate housing, the right to human dignity and the right to a safe environment. National water and sanitation policy continually refer to a “right to basic sanitation”, furthermore frequently connected to the concluding constitutional right.

Institutional and financial challenges at the local government sphere, coupled with a lack of political will, are cause for concern, and contribute to continued compromised access to sanitation by millions of people living in South Africa. This lack of access is particularly acute in informal settlements, townships, rural areas, and on farms. Women, the disabled and people living with HIV/AIDS are most affected by a lack of access to adequate basic sanitation and their voices are not being given an opportunity to be heard by the municipal authorities. There is a lack of communication between the government and the community through the non-existence of community involvement in matters that affect their daily well-being. Yet, much needs to be done to ensure universal access to decent, affordable and safe sanitation across South Africa. There is a need to strengthen public participation in order to open up and hear the views

and involvement of the people so that they can value their democracy. Next, the researcher critically discusses the research methodology informing this study.

## CHAPTER 4:

### RESEARCH METHODOLOGY

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#### 4.0 Introduction

In the previous chapter, legislative framework pertaining to public participation and its importance in improving decision-making, was discussed. This current chapter gives an overview of research methodologies upon which this study is based. According to Babbie and Mouton (2006), research methodology can be regarded as an investigation method that has visibly clear boundaries. A research method strives to determine and generate new knowledge, and construct a theory by testing, confirming, revising or contesting previously existing knowledge. The acceptance of thorough research is regarded as being very important for this study, and the purpose was to attain better outcomes by ensuring that the research plans were logically and scientifically acceptable. Babbie and Mouton (2006:74) argue that a “research project should be carried out according to a carefully laid-out research methodology. This suggests that the researcher has to figure procedures, tools and techniques, which he or she can use to collect evidence, to be able to evaluate the problem”.

#### 4.1 Research methodology and Design

Brynard and Hanekom (1997:25) state that, research methodology is an approach for research, which specifies the techniques of data gathering. Conferring to Landman (1993:70), the term “method” originates from the Latin term *methodus* and the Greek term *μέθοδος* (*methodus*) joined as Meta+hodos; it is the manner in which the systematic researcher must choose a technique allowing access to the occurrence. The technique is generally determined by the nature of the occurrence or by the scope of research. Landman (1993:70-75), states that the technique entails a logical process in exploring an occurrence. After having developed the question of the aims of systematic practice, the researcher’s following stage is to choose possible approaches that can be utilised to achieve these aims. Conferring to Leedy (1993:91), methodology is a working structure within which the evidence is positioned so that their significance may be understood more undoubtedly. In crux, research methodology is the means for the gathering of data necessary for a study. Research methodology institutes an organised way and a set of techniques used for gathering and examining research data (Morse, 2001:96). Methodology comprises the subsequent concepts as they relate to a specific discipline or field of study; an assortment of theories, concepts or ideas; a comparative research of dissimilar approaches; and analysis of the individual techniques (Creswell, 2003:37).

In relation to this, the study will make use of the methodology as it capacitates the reasoning and the hypothetical assumptions that prompted the researcher to make use of the technique. Grounded on the above facts as presented by the author, methodology can refer to hypothetical research by applying the methods of inquiry appropriate to a field of study or to the body of investigation. In this study, these are supported by the ideologies of public participation, which enabled the researcher to choose the research methodology most suitable for the design and method to produce effective and reliable data. To this effect, the researcher followed both quantitative and qualitative research methodologies and these are discussed below.

#### **4.1.1 Quantitative research methodology:**

According to Creswell (2003:42), quantitative research methodology relies upon the size and investigation of casual relationships between variables rather than involving the investigation of processes. The drive of quantitative research is to assess impartial data involving numbers, and using difficult structured methods to confirm or disprove hypotheses. These methods also focus on the opinion of reality rather than an everyday life, by seeking a science based on possibilities resulting from the study of large numbers in a randomly nominated situation. As this research takes into consideration the use of quantitative research, this permitted the researcher to objectively recognise the realities of the study from an outsider's view.

#### **4.1.2 Qualitative research methodology:**

Welman, Kruger and Mitchell (2005:8-9) state that, qualitative research methods deal with subjective data, created in the minds of respondents or interviewees. Data is presented in language rather than numbers, and as such the researcher attempts to understand the meaning that respondents attach to their situation. Qualitative researchers scrutinise the constraints of day-to-day life and base their findings on such events, including the behaviour of people. By talking to subjects and observing their behaviour, researchers gain first-hand experience of the subject under investigation, thus producing the best data. An all-inclusive approach is adopted in which a vast array of data is collected from documents, records, photos, interviews, case studies and observations. The validity of data as well as the study being representative of the population, is what matters most in qualitative research. Since there are many ways in which public participation can be evaluated, in view of the fact that an assessment of people's experiences and perceptions of public participation is the object of this study, a predominantly qualitative approach was used in this study, but not excluding the quantitative approach. Data sourced through the quantitative method, with the use of a structured questionnaire, were taken into consideration. According to Denzin and Lincoln (2000:39), qualitative research is considered to

be descriptive in nature and as such allowed the researcher to locate the meaning which people gave to the process and structures affecting their lives. In summary, the study applied both the qualitative and quantitative research methodologies. Denzin and Lincoln (2000:391-392) refer to this approach as using more than one research method within one study. Duffy (1987:133) states that this provides richer data by possibly exposing information that might have remained undiscovered if a single approach had been used.

## **4.2 Data Collection Tools**

Denzin and Lincoln (2003) state that, the process of carrying out research is in itself highly subjective, depending on the intuition and inspiration of the researcher. In order to gather information, the study relied on both primary and secondary data. In depth interviews and questionnaires were used to collect primary data. Babbie and Mouton (2003), outline that primary data is data that has been collected from first-hand-experience. Primary data is the information that has not been published yet and is more reliable, truthful and unbiased. Primary data has not been reformed or altered by human beings; hence its legitimacy is superior to secondary data significance and thus primary data cannot be ignored. A study can be steered without secondary data but a research based on only secondary data is less reliable and may be biased because secondary data has already been inclined by human beings (Babbie and Mouton, 2003).

### **4.2.1 Interviews**

Denzin and Lincoln (2003) outline that an interview is a face-to-face conversation with the respondent. In qualitative research there are various types of interviews:

- **Structured:** This is where the researcher uses a similar list of interview questions for all respondents and does not turn away from the set questions (Research guide, 2017).
- **Semi- structured:** A semi-structured interview is flexible, permitting new questions to be posed throughout the interview as an outcome of what the respondent said (Lindlof & Taylor, 2002:195). The researcher, in a semi-structured interview, usually has a framework of themes to be discovered. Lindlof and Taylor (2002:195) enhance that during the interview, a researcher asks a respondent question(s), based on a written list of questions and topics.
- **Unstructured interviews:** This is where the researcher may use a number of ordinary main questions but is mostly free to change the discussion in any way, according to issues that may come up.

In an interview the key difficulty arises when the respondent purposely hides information or else it is an in depth source of information. The interviewer does not only record the statements made by the respondent, but she can also take notes, observe body language, expressions and other reactions to the questions. This empowers the interviewer to effortlessly draw conclusions.

The interviews for the study were conducted using a semi-structured type of format that contained a flexible questionnaire; opening room to allow new questions to be impersonated during the interview as a result of what the respondent answered. Through this, themes were discovered by the researcher based on a written list of questions, in order to gather information needed.

According to Bless and Higson-Smith (1995:111), three strong benefits of individual interviews as a tool of data collection can be acknowledged. Firstly, this method of data collection can be managed to interview illiterate respondents. Because the researcher recites the question and notes down the responses, the respondent does not have to be able to read or write. Secondly, the researcher has the chance to additionally clarify a question or the words in a question if he/she senses that the respondent does not fully understand the question. Thirdly, by using this data collection tool, the researcher can guarantee that all the questions are answered and that problematic questions have not been left out.

Neuman (2000:245) states that, this is all made likely because of the fact that the researcher individually manages the questions. A further benefit of the individual interviews is that it has the utmost response rate of all data collection tools. Lastly, a significant benefit to be attained from interviewing is the personal contact and interaction between the researcher and the respondent during the interview process.

Neuman (2000:245) identifies two major disadvantages to individual interviews. Firstly, the individual interview is one of the most expensive survey methods. Secondly, it is a very time-consuming method of data collection. As an interviewer can only handle a limited number of respondents per day, time becomes a limitation. This disadvantage unfolds into an additional disadvantage. In order to reduce the time constraints, the researcher can make use of interviewers. These interviewers need to be sufficiently trained. Inconsistent responses to certain questions may arise (Bless & Higson-Smith, 1995:111). Lastly, interviewers may be reluctant to visit neighbourhoods with which they are not familiar (Emory & Cooper, 1991:320-321). This means that samples may have to be limited to selected geographical areas, which could lead to an increase in sample error.

#### **4.2.2 Document Analysis**

Furthermore, documents analysed permitted the researcher to obtain secondary data about the construct of this study, as Babbie and Mouton's (2006), 'multiple methods' approach to conduct research is measured to be one of the best ways to improve validity and reliability. The secondary data was gathered through the scrutiny of relevant literature. This comprised reviewing and studying findings on interconnected topics and by gaining perception of the most research discoveries linked to the topic of this research. This helped the researcher to obtain an indication of the best methods, instruments for measurement, and statistics which could be used. The secondary data used encompassed data collected from previous research namely Statistics South Africa annual reports and other departmental documents. Other sources of primary data used included the Constitution of the Republic of South Africa 1996 (Act 108 of 1996), National Sanitation Policy (1996), Local Government White Paper (1998), Local Government Municipal Structures Act (Act 117 of 1998), Local Government Municipal Systems Act (Act 32 of 2000), National Sanitation Policy (1996), City of Cape Town Water & Sanitation Service Standard (2008), and the Draft National Framework Public Participation (2005). As Babbie and Mouton (2006) suggest, the 'multiple methods' approach to conducting research is measured to be one of the best ways to improve validity and reliability.

#### **4.3 Sampling**

Brynard and Hanekom (2006:54) describe sampling as a procedure of choosing a controllable group in order to define the features of a bigger group. This is completed in the certainty that the sampled group will display comparable features to the bigger group. Sampling enables research by saving time and costs because in utmost circumstances it is not easy to study a big group. Welman, Kruger and Mitchell (2010:56) distinguish among probability samples and non-probability samples. Probability samples are mostly used in quantitative designs and non-probability samples in qualitative designs.

In this research, the sample was drawn from the area of Makhaza in Khayelitsha, Cape Town, where the research was conducted, the area is part of the informal settlement where the portable chemical toilets were delivered to. A total number of thirty respondents were interviewed through selection of the purposive sampling which forms part of the non-probability sampling was chosen to be appropriate method. This sample is purposive in which respondents were identified as they know the construct of the study and obtain deep information on the subject matter; it was helpful because it excluded individuals who are not related with the mission as they would not have the required information to reply to the questionnaire.

#### 4.4 Data Analysis

According to Marshall and Rossman (1999:150), data analysis is the process of carrying out instructions, preparation and meaning to the size of collected data. Data analysis needs a secure kind or form of correctness applied to research. In this concern, Best and Khan (2006:354) advise that the analysis and interpretation of data show the demonstration of first-hand and inductive reasonableness applied to the research. Verma and Mallick (1999:29) outline that the descriptive technique that comprises the explanation of the data produced, depends more on participants and this forms part of the qualitative study.

Miles and Huberman, cited in Berg (2006: 304), recognise three major approaches to qualitative data analysis, namely:

- **Interpretative approaches:** Where interviews and observational data can be transcribed into written text for analysis.
- **Anthropological approaches:** Where the researcher has conducted various sorts of field or case study activities to gather data; and
- **Collaborative social research approach:** Researchers operating in this mode work with their subjects in a given setting in order to accomplish some sort of change or action.

The study made use of an in depth analysis of the data collected by means of data filtering, mind mapping, and the combination of the views of different authors. Since it was impossible for the researcher to make an in depth analysis of all the data collected, a huge amount of data available had to be filtered until only data critical to the research was recognised and studied. Strydom (2002) holds the view that, in the process of data filtering, the researcher may make use of mind mapping, that which may permit the researcher to capture data critical to the research at hand, inclusive of simplifying it thereof. The other method that this research makes use of is the combination of the diverse perspectives of the respondents. Different authors regularly hold different opinions on the same occurrences, says Strydom (2002), but he also contends that some may help the researcher to identify views, and help with explanations and definitions.

It must be noted that the vitality of this study is not to accept the views of the respondents as being correct or valid, but to question, and rephrase their perspectives in order to attain findings. In analysing the interviews, an in depth analysis of the interview texts, which were the exact imitation of the interviews, was done. Only the notes that were written during each interview were analysed in the process of interview analysis because no recording was allowed by the respondents.



#### **4.5 Ethical considerations**

Burgess (1989) outlines that there are two central ethical requirements for researchers namely: Honesty and Confidentiality.

- **Honesty:** Honesty pertains to the manner of reporting. The researcher at all times and under all circumstances reported the truth, and never presented the truth in a biased manner.
- **Confidentiality:** Research should be conducted in a responsible manner. Researchers may stumble upon data of a confidential nature, the publication of which can be harmful to the persons or groups involved. Therefore, the researcher ensured at all times to remember that the interests of the respondents are taken into consideration.

This study contends that the reader(s) should be well aware that the above ethical requirements for the researcher have been carefully followed and complied with. Honesty about how the research was conducted and the presentation of the researcher's credential to the respondents was of utmost truth. The intentions of the researcher, what she wants to achieve and what she was expecting from the respondents, were sincere. Furthermore, the subject of confidentiality was presented and discussed with the respondents and all thirty of the respondents asked the researcher not to divulge their names or their physical addresses within the ward area for safety and security purposes.

However, conducting the research did not go without challenges. Problems that the researcher encountered during the field work comprised the difficulty respondents had in freely responding to the questions but the researcher ensured the respondents that their elaborations were confidential and no misinterpretation would be used. Lastly the issue of anonymity was raised since the area is highly political and the exposure of the respondents' identities could have resulted in their homes being burned but the researcher assured them that nobody's identity would be disclosed.

#### **4.6 Reliability and Validity of Research Instruments**

Green, Tull and Albaum (1993:249) argue that the success of a research endeavour depends on the accuracy of the measuring instrument. Salkind (2001:105) supports this and points out numerous failed research efforts with poorly articulated questions that may appear sound, but are neither valid nor reliable. The accuracy of the measuring instrument not only influences the accuracy of the results, but also the conclusions drawn and the generalisations made from the study.

#### **4.6.1 Reliability**

According to Denscombe (2002:100), the reliability of data collected is vital if the research is to deliver reliable results. The methods and techniques used to gather the data must pass the test of reliability and provide results that can be re-tested and under related occurrences deliver the same results/ outcomes. Churton (2000: 157) states that the reliability of research data makes it likely to make generalities about the occurrence under research and lead to theory development or review. According to Silverman (2001:34), qualitative researchers argue that a concern about the reliability of observations arises only within the quantitative tradition.

#### **4.6.2 Validity**

Churton (2000), outlines that validity is critical to the researcher's journey in attaining in depth insight into the way of life of individuals, groups or institutions. Validity refers to research outcomes that give a true picture of the situation or phenomenon under investigation. According to Silverman (2001:34), the validity of outcomes is a weakness in qualitative studies, due to the fact that one may doubt the validity of justification because the researcher has not dealt with contrary views.

#### **4.7 Chapter Summary and Conclusion**

This chapter has given an account of the research methodology employed by the researcher and provided the motivation supporting the reasons for utilising qualitative and quantitative research methods. Furthermore, the chapter also gave an in depth explanation of how the data was collected and analysed. In addition, reasons for the sampling method that this study adopted were given and an explanation as to why those sampling methods were most suited for this study. Lastly, ethical considerations and ethical requirements for the researcher were also outlined and justified. Henceforth, detailed findings from all the interviews that were conducted are discussed and analysed.

# CHAPTER 5:

## RESEARCH FINDINGS, INTERPRETATION, CONCLUSIONS AND RECOMMENDATIONS

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### 5.0 Introduction

The afore discussed chapter focused on the research methodology used in this study, mainly, that which aided in answering the following question: (1) Was there any public participation conducted prior to the delivering of portable flushable toilets in Khayelitsha, Makhaza area during 2011-2015? Chapter 5 presents the participants' views and comments as to whether public participation was conducted prior to the delivering of portable flushable toilets in Khayelitsha, Makhaza area during 2011-2015. Also, the researcher compared and contrasted the main themes from the interview findings with the literature review findings. This chapter is aimed at confirming the key trends discussed in the literature review and to explain the reasons behind the disparities in the chosen public participation theory of deliberative democracy and against the practice of public participation in Makhaza area.

### 5.1 Research Findings

The findings were gained from the insight and experience of thirty (N=30) participants, using scheduled semi-structured interviews as a research tool. Amongst the general public of respondents were the former and present street committee members; former and present ward committee members; and the active political representatives of different political parties.

#### 5.1.1 Section A: The geographic profile

**Section A (1)** of the questionnaire, asked the respondents to indicate their age group.

Age group was comprised of the following:

20-29 (N=3)

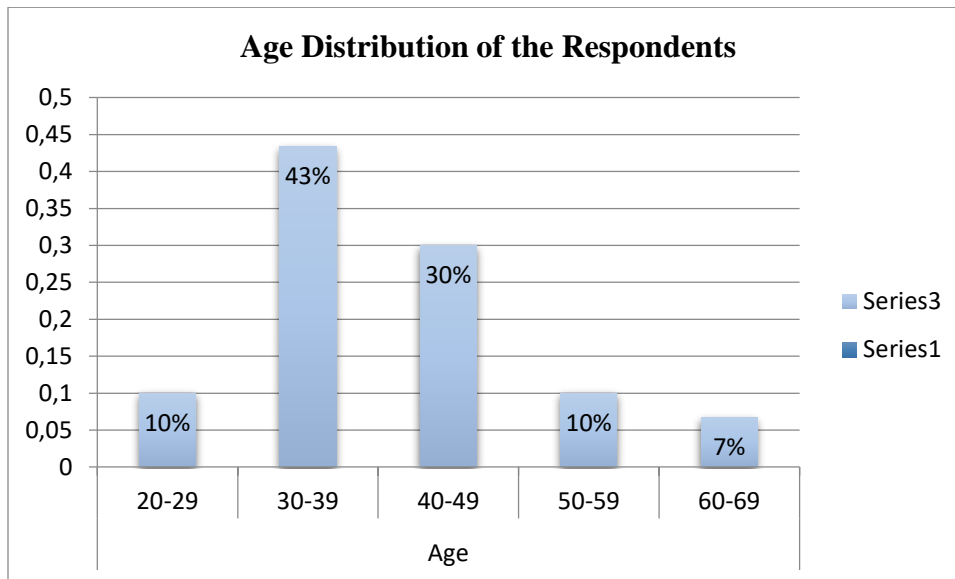
30-39 (N=13)

40-49 (N=9)

50-59(N=3)

60-69(N=2)

**Figure 5.1: Overview of Age distribution of the respondents**

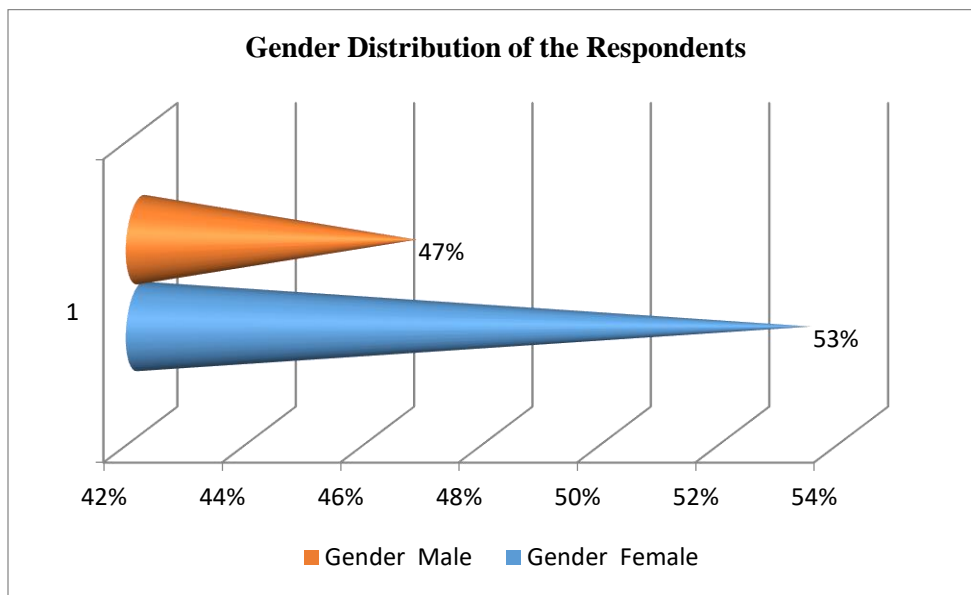


From these responses it can be deduced that the majority of the participants were aged between 30-39 years (43%) and 40-49 years (30%). This is the most active age of the participants. The young participants were members of the public, (N=3) out of 30 representing (10%). Likewise, among the individual groups, the high score of the age group that had more interest was the 30-39 years age group while those older like the age group 60-69, were not much interested about what is happening in the area they live in. All these factors account for a solid group of participants that was relied upon for effective research interviews in assessing whether public participation was conducted prior to the installation of portable flush toilets at the Makhaza area. Therefore, it can be said that all age groups of participants were represented. This implies that all age groups were interested in public participation to improve decision- making in the Makhaza area, Cape Town.

**Section A (2)** of the questionnaire was concerned with the gender profile of the participants.

It can be observed from Figure 2 below that overall, 16 participants (53%) were female and a total of 14 respondents (47%) were male. This means that the percentage of females interviewed was higher than of males but all the same, both sexes are represented in the study. Gender mainstreaming regarding the insight into opinions on whether public participation was conducted prior to the installation of the portable flush toilets at the Makhaza area, was taken care of. This ruled out the possibility of gratuitous and superfluous influence of views by the dominant presence of one gender over the other among the respondents. Hence, the level of participation of both male and female respondents was perceived to be fairly equitable.

**Figure 5.2: Indication of Gender distribution of the respondents**



### **Race Summary**

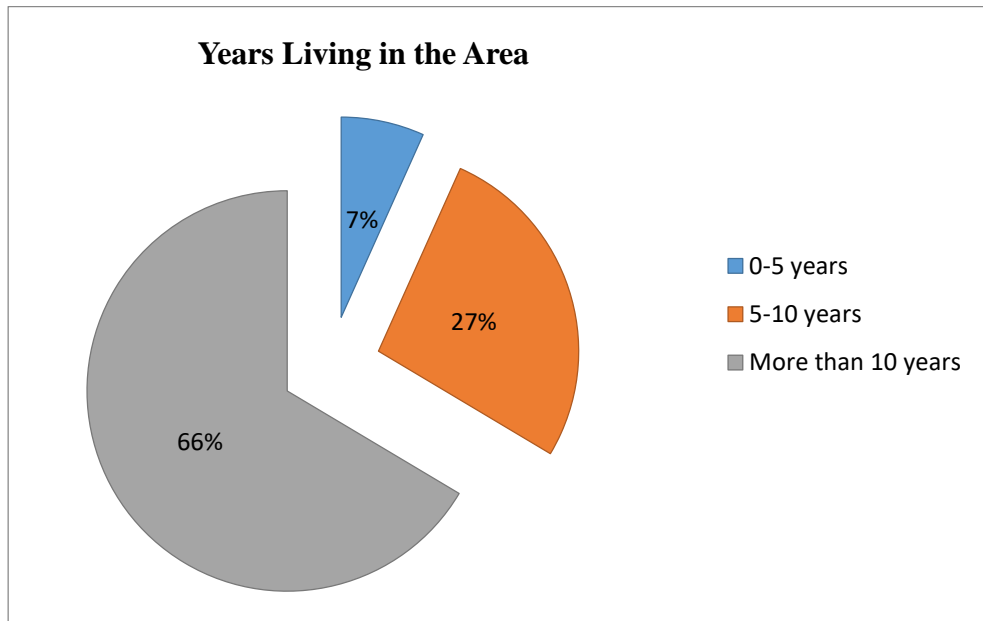
**Section A (3)**, dealt with the ethnic distribution of the respondents where they were asked: “Which race are you?”

All 30 respondents replied with either “black” or “African” which simply implies the same thing. From these responses it can be deduced that the majority race living in the informal settlements where portable flushable toilets were distributed without proper consultation with the community, were African people.

**Section A (4)**, enquired about: “How long have participants lived in this area?”

The age group of 30-39 years as well as 40-49 years mostly make up 66% of respondents. This can be deduced that these are the age groups who are interested in the development of their community because they have been living in unfavourable conditions for over a decade. The respondents who have been living in the area for 6-10 years were mostly made up of the age group of 20-29 years and 30-39 years. In addition, this can demonstrate how the adult youth are interested in the development of their area. The age group of 20-29 years has 0-5 years (7%) living in the area.

**Figure 5.3: Outline of the years spent in the area by respondents**

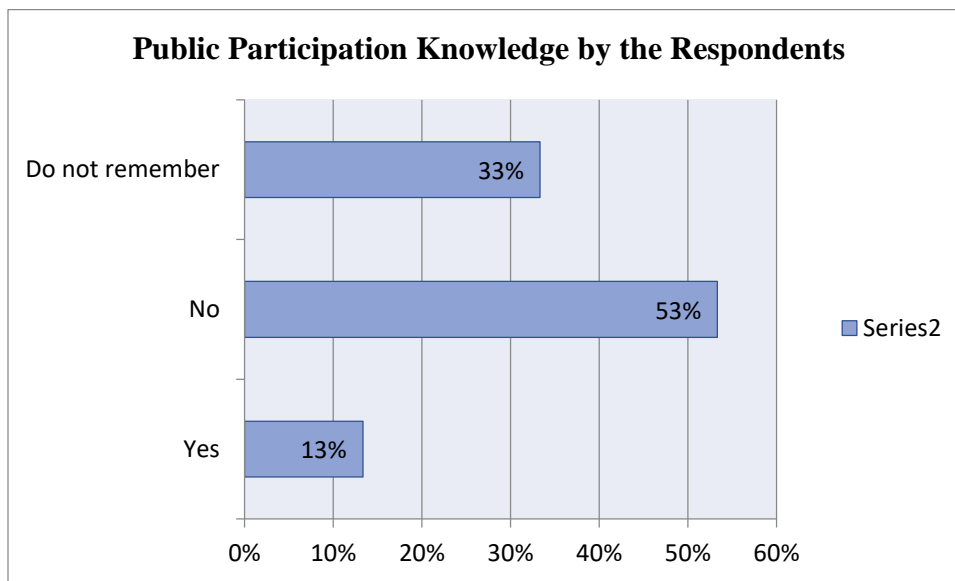


It can be observed from the pie chart above that the majority of respondents that participated in the study are the ones who have been living in the area for more than 10 years as these are 19 respondents (66%), followed by the respondents (27%) who have been living in the area for 6-10 years and lastly the respondents who have been living in the area for 0-5 years.

### **5.1.2 Section B: Public Participation Knowledge**

**Section B** was concerned with the question: “Was there any public participation conducted prior to the delivery of portable flushable toilets in Khayelitsha, Makhaza area during 2011-2015?”

**Figure 5.4: Public Participation knowledge response of the respondents**



A total of 10(33%) respondents indicated that they “Do not remember” public participation taking place prior to the installation of portable toilets in Makhaza area. Furthermore, a total number of 16(54%) respondents answered “No” as to whether public participation was undertaken prior to the delivering of the portable flushable toilets. A total of 4(13%) respondents answered “Yes” and were asked to give an indication of the public participation process used. Comments ranged from very little to none at all, in terms of the public participation that took place.

One respondent (pseudonym Y) commented that: “Yes, But I am not sure if that is public participation when you tell people these are the kinds of toilets you will be receiving instead of using pits at the bush to relieve yourselves. Because that is exactly how they do things around here, by telling us what is best for us without listening what we want and why”.

Another respondent (pseudonym Q) made the following comment: “Yes, people had been complaining for quite some time, then committees told the community to go fetch porta potties (portable flush toilet) from a responsible person in charge of giving them out then those who took the toilets were taught how to use them. And in most cases it is females with children and elderly people who collected the porta potties”.

Respondent (pseudonym H) said, “Yes, you see there are people called street committees, which we chose to represent us, but after being selected they don’t fulfill their responsibilities instead will side with ward councillor who have never attended any public meetings. What happened was that, the lady next door was nominated to distribute the porta potties (portable

flushable toilets) and people who needed them were told to go collect and they will be taught how to use the toilets”.

Another respondent (pseudonym W) commented that: “Yes, but the only way that was done was telling the people of the toilets they will provide and that they were for a temporary period of time as permanent toilets would be built in the process since there were no toilets at all”.

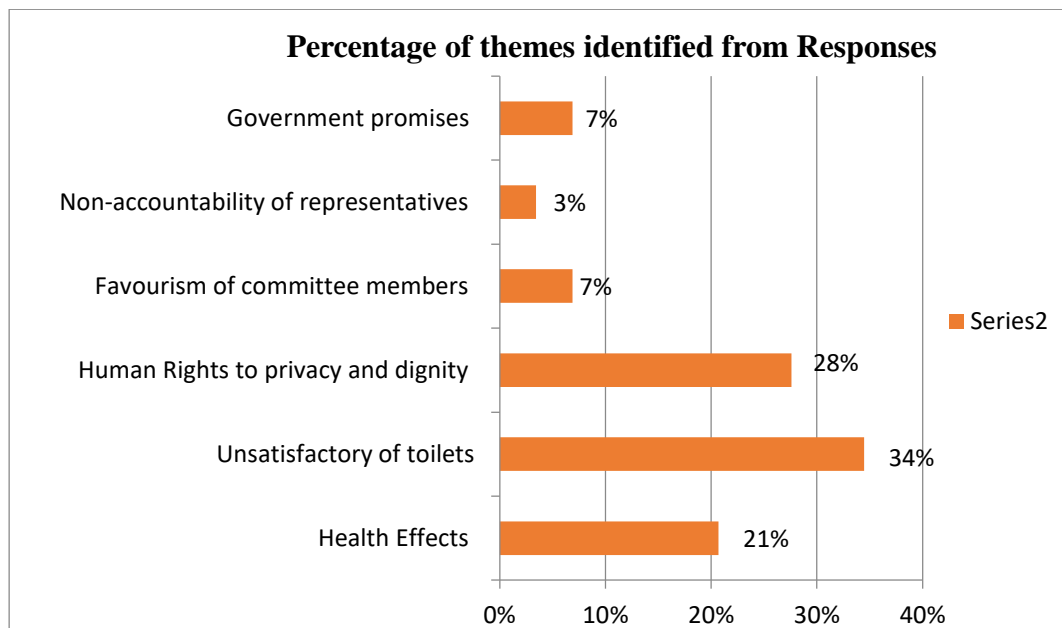
From the comment of participant Y, it can be deduced that this participant felt that community representatives tend to tell them what is suitable for the community after decisions have been taken rather than opening a platform for public engagement to hear the views of the public. Such action contradicts with the Public Engagement Policy of the City of Cape Town (2009), whose principles are that public engagement processes that should be flexible, appropriate, informed, inclusive and responsive. This supports the principle of democracy where representatives are elected by the public but would make political decisions without allowing the citizens to have an opinion over the matters that concern them, but this contradicts with the deliberative democracy that supports a motion of people exchanging opinions and envisaging different claims that are proposed to safeguard the public good. Through this, people can come to an agreement about what process, action, or strategy will best harvest the public good. Thus, it means that deliberation democracy is an important obligation for the justice of representative political decisions. Participant Q commented that in their understanding, public participation was conducted in a way where a supervisor of portable flush toilets directs the community for access to the toilets and teaches them how to use them. Those with children and elderly people mostly take the toilets. Sentiments like participant H, were common among respondents. It was commented that ward committees are not fulfilling their responsibilities after being selected to represent the community; instead they favour the ward councillor. According to the MSA (RSA 2000) municipalities are expected to strongly cheer people to participate in local government problems, like “preparation, service delivery, and performance management but reflecting on these responses provided by the participants, one can see that the instruction of the Act was not taken in consideration”. According to respondent W, who was in agreement with respondent Y, the community was told of toilets they would be receiving but were assured that it would be for a temporary period as permanent toilets would be built for them. According to the DWAF “National Sanitation Policy” (1996), the portable flush toilets are regarded as the temporary sanitation services as promised by the local government officials, but the longer-term use of these toilets is now reflecting the use of these toilets as permanent services which contradicts the policy.



### 5.1.3 Section C: Perceptions of the Poo wars 2013-2014

Section C of the questionnaire, is presented as Section C (1), focused on the perception of the Poo wars protest that were held from 2013-2014. The respondents were asked the first question: “In 2013-2014 there was a protest in this area because of toilets. Can you tell me more about it?”

**Figure 5.5: Themes identified from responses which indicated that participants knew about the Poo wars protest that was held from 2013-2014**



The majority (34%) explained that the protest was mainly about the unsatisfactory condition of the toilets and some of the respondents stated that:

“Yes, I know about the protest. The issue was that people were dissatisfied with the portable toilets and they wanted new flushing toilets”. Another respondent said:

“Yes, the protest was about the unsatisfactory condition of the toilets they were giving the people because no older person can use that porta potty (portable flushable toilet) and the Mshengu (chemical toilet) have health issue of smelling and everyone gets one. Those owning Mshengu lock them and it will be people who are relatives or friends not anyone else. I heard about the protest. That people were not happy with the toilets provided”.

It can be understood that the residents of the Makhaza area did not decide to form a protest on the basis of unjustifiable reasons. What these residents are still encountering is against the obligations as stipulated in Section 152 of the Constitution which state that the local government must ensure the provision of services to communities in a sustainable manner; and

must promote social and economic development during the delivery of basic services to the communities. It is observed that people wanted to be heard on the effects the portable flushable toilets had in the long run, such as the stench, associated with health issues in the long-term.

Twenty-eight percent of the respondents highlighted the reasons for the protest was because they were fighting for human rights in terms of the right to privacy and dignity, meaning that, these toilets are in contradiction of Chapter Two of the Constitution, which is the Bill of Rights, and which stipulates the right to privacy and the dignity. Some of the respondents mentioned that:

“Yes, I heard about the protest. It was about the people getting tired of the living conditions that the porta potties had resulted to negatively effects their lives, like the privacy because in these small shacks with no yard there no space to put the toilet (no privacy) ...”. Another respondent proclaimed that:

“Yes, I was part of that protest. You see, I never took the toilet they gave us because it’s not the toilets we wanted, other areas have normal toilets but they chose to give us abnormal toilets. Andile Lili leading the protest, we fought for people’s rights and dignity”.

A possible explanation from these results is in which one can observe that the residents are aware of their human rights which form part of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996). Chapter 2, ‘Everyone has inherent dignity and the right to have their dignity respected and protected’. In addition, Chapter 3, distinguishes that the local government has an imperative role to play in relation to the improvement ingenuities that will encourage the enrichment of the value of life of previously deprived local societies. In terms of Section 152, local government has, among other things, the mandate to deliver services to societies in a maintainable way. The responsibilities of local government are to:

- b) Ensure the provision of services to communities in a sustainable manner.
- e) Encourage the involvement of communities and community organizations in matters of local government.

A total number of 21% respondents reflected that the protest was based on health issues like diseases which females catch when using the toilets and the worsening of arthritis for elderly people. From these responses, any citizen can observe that what is being experienced by the users of the portable flush toilets is in contradiction of Section 152 of the Constitution that obligates the local government to promote a safe and healthy environment when delivering services to the communities. Another 2% were respondents who outlined the issues of

favoritism on the part of the representatives in terms of who should receive the toilet and who should pay for the toilet or not. The remaining 2% were those who revealed the protest to be about government failing to achieve its promises. One of the respondents said:

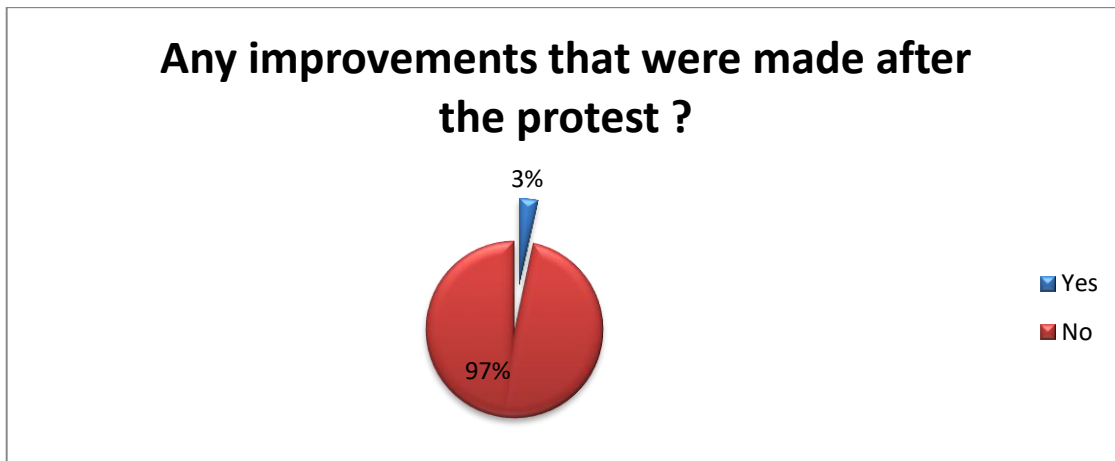
“The protest was for the proper toilets because the ones we are using were said to be for temporary basis as proper toilets will be built but that has still not happened”. The porta potties (portable flush toilets) were installed for a temporary period but even today they are still being used by the residents and this goes in contradiction with the DWAF “National Sanitation Policy” (1996). The policy states that these are one of the type of toilets that are not encouraged, except in emergency circumstances (and then only for short periods) due to the high running costs involved.

The last 1% of respondents reflected that the protest is because of the non-accountability of representatives in their roles. This response is in contrary to Section 152 of the Constitution that encourages local government to provide a democratic and accountable government for local communities, also Section 17(3) of the (MSA) (RSA 2000) demands that local municipalities cogitate individuals with “special needs” when creating instruments, procedures and techniques for public involvement. These are: “(a) people who cannot read or write; (b) people with disabilities; (c) women; and (d) other disadvantaged groups”. This would confirm the insertion of such individuals in municipal practices but with the impact of these toilets that do not take into account the views and health conditions of the residents who will be using the portable flush toilets on a daily-basis.

From the above findings it can be deduced that the protest was a used as a platform that the residents used for the government to listen to their voices, complaints and some insight of how the ward is managed by the electorate officials. With the statements given, the researcher could easily pin-point the gap between policy and practice as the local government system was supposed to be people-centred

**Section C (2)** asked the respondents: “Were there any improvements made to the sanitation/ toilets after the protest?”

**Figure 5.6: Any improvements that were made after the protest.**



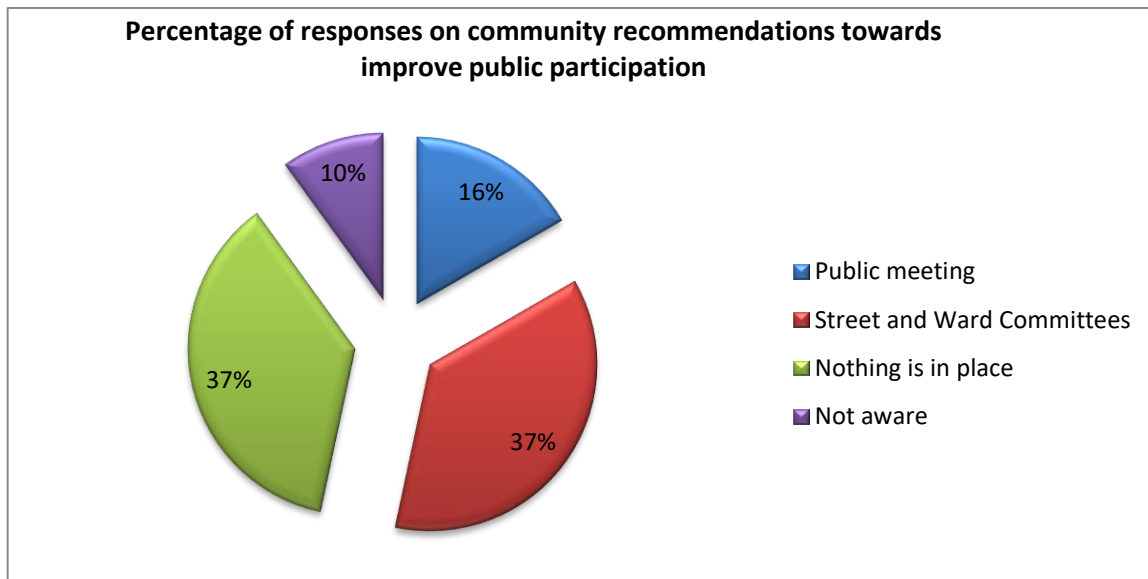
On the issue of the outcome of the protest, 97% of the respondents disagreed that any improvements were made to the sanitation/ toilets after the protest and 3% agreed that there were improvements. For example one of the respondents who agreed commented as follows:

“Changes made subsequent to the protest entailed relocation of certain people to Mfuleni RDP area, while others remained in TR area with no electricity and proper sanitation. So, lucky are those who were relocated”. In overall, it is clear that there were no improvements made after the protest as the public are still using the portable flushable toilets.

**Section C (3)** wanted the respondents to reflect on: “What community recommendations were there, towards improved public participation that would advance informed decision-making?” The majority (37%) of respondents indicated that nothing was in place towards improving public participation in the Makhaza area but such responses totally contradict the legislative frameworks such as Section 152 of the Constitution that vests power in the local government to encourage the involvement of communities and community organizations in the matters of local government. In addition the MSA (RSA 2000) necessitates municipalities to vigorously cheer societies to partake in local government problems, like “preparation, service delivery, and performance management”. While another 37% respondents mentioned the use of street and ward committees that were placed, as one of the recommendations towards improved public participation that would lead to informed decision making. However, after they were elected by the public, the representatives of the Ward Committees failed to execute their roles, among which was facilitation of public participation. With such responses of local representatives failed in executing their roles obsoletely contradicts with the powers vested to them by the Municipal Structures Act (RSA 1998b) that makes provision for the creation of Ward Committees to encourage participating equality in local authority. Local government is

obliged to be a vehicle for enhancing participatory democracy in local government; it is expected to represent various interests of the community they are serving, and lastly are given the authority to be a channel of communication and interaction between communities and municipalities. (DPLG, 2005:20).

**Figure 5.7: Community recommendations towards improved public participation in order to deliver informed decision-making**



Observation made from the results shown in Figure 7 above are that, despite the recommendations proposed to improve public participation towards improved decision making, they are not effectively serving the purpose they are designed for. Following this discussion is further interpretation of the research results.

## 5.2 Research Interpretation

### 5.2.0 Introduction

The new South African government honours public participation as the cornerstone of democracy and service delivery. In post-apartheid South Africa, public participation is not a privilege, but a constitutional right. Chapter 1 of the Constitution of the Republic of South Africa, 1996, emphasises that the Constitution is the supreme law of the Republic, and that any behaviour in clash with it is unacceptable and that the responsibilities thereof should be enforced. A constitutional provision places a responsibility on government to institute public participation structures and systems. Nevertheless, public participation must be pursued not only to abide by legislation, but furthermore to encourage good governance.

SA is a democratic government that promotes effective dialogue between government and its citizens. This is vital in establishing an accountability government that discourses the needs of citizens. Citizens ought to be allowed to advise government about their needs. The apartheid government deprived people of the prospect to participate, give input and a contribution to decision-making. Of utmost importance is the fact that citizens prior 1994, were deprived of the right to vote, which is the original and first step towards public participation. Proper public participation involves much more than taking part in elections; it is a central part of local government processes. Good governance necessitates civil society to participate in the decision-making developments in all spheres of government, most particularly at the local government sphere, because of its nearness to the people (Bratton & Van Walle 1997:13).

This chapter dealt with the theory of deliberative democracy that is proposed to instil evolution of public participation, with specific reference to the legislative framework and implementation in the local sphere of government in South Africa in order to derive informed decision making where every citizen feels worthy to be a resident of any community they reside in.

### **5.2.1 The Proposed Deliberative Democracy Theory**

Conferring to Godsell (1990:51), Abraham Lincoln defined the theory of democracy as “government of the people by the people and for the people”. The different types of democratic models of public participation were briefly presented on chapter 2 of this study. Theories have been defined as “formats for participation that can be implemented in a variety of imaginable problem contexts from those that are unique experiences”. An ideal, moreover, denotes that it has a significant ability to resolve a public matter as the key or sole vehicle for public address.

Cloete (1993: 8-9) states that the deliberative public participation method entitles that all people should be civically accepted as equal, but it also recognises that individuals differ in their personal capacities and the ability to provide for themselves. The deliberative democracy supporters can then only mandate that every person be offered the prospect to improve and reap the fruits of his or her own potential. Deliberative democracy demands the safeguard of equal rights, which will ensure that specific individuals do not have special rights or that others are subject to damaging disadvantages. Dryzek and Niemeyer (2015) state that deliberative democracy is all about placing people (citizens, residents, affected individuals) closer to the affairs of government. It differs from representative democracy because it puts conversations, diverse perspectives and understanding at the centre of the decision rather than relying on polling and voting.

Deliberative democracy is a field of political inquiry that is concerned with improving collective decision-making. It underlines the right, opportunity, and ability of everyone who is subject to a collective decision to participate (or have their representatives participate) in important deliberation about that decision. “Important” means deliberation must have some effect (Santos, 2012). This simply means that, if there is a political decision about to be made, an individual, as a citizen, should have some means of having their say. Of course, in many democracies there are already mechanisms for doing this - from letters to local members of parliament, participation in public consultation, through to protesting. Santos (2012) further outlines that what differentiates deliberative democracy is the way in which communication (or deliberation) preferably takes place and the way that citizens encounter it.

According to Santos (2012), deliberative democracy today flourishes in political theory, many social science disciplines, and in a universal political transformation movement. There has never been a better time to be a deliberative democrat – despite an unruly non-deliberative world, or perhaps because of all the challenges that the world presents to us. As indicated in chapter 2 by Mill (1993: 75) and Egan (2010), the purpose of theory is to combine people’s preferences into a reasonable manner and where a point of notion is discussed and debated among citizens. With respect to singular and collective civilian decision making, deliberative democracy changes the importance from the effect of the decision to the value of the procedure.

To promote and entrench democracy and public participation, the Nelson Mandela Bay Metropolitan Municipality introduced the concept of Ward-based Planning in the 2006/07 financial year, which encourages a bottom-up approach to planning, as opposed to the customary top-down approach. This approach also empowers communities, since selected community representatives receive relevant training, thereby ensuring that the knowledge gained can be ploughed back into the communities. Hence in representative democracy one’s positive aspect is a heightened sense of public participation, as standard practice is perceived as more democratic, efficient and more likely to remain successful than democracies in which old top-down methods are used. In opposition to this, the deliberative democracy encourages a bottom-up approach to planning, as opposed to the customary top-down approach. Only an informed community can decide its own destiny. It presumes that the people who live in a community should have the right to set the course for their future. Community-based planning, in addition to creating community involvement, also creates a sense of community ownership for service

delivery and development. More importantly, community-based planning ensures that the poorest of the poor and the marginalized sectors of the society take part in local governance.

This study proposes the use of deliberative democracy as a means of an adoptive public participation theory concerning the engagement of the local residents in the Makhaza area. The study found that members of the public are able to define their own problems and have the ability and capacity to take action together with the government through organizing and participating themselves (encouraging the bottom-up approach to community development).

However, the findings from this study demonstrate that the use of representative democracy by the local government has not yielded the desired results. The local representatives are labelled as being incapable to carry out their responsibilities in ensuring the functioning and effective facilitation of public engagement in the area. This is evident in the continuation of sanitation protests that have been taking place in this informal settlement since the last decade.

This scenario can be interpreted through the following themes:

**Public Meetings:** Public meetings are regarded as the greatest communal form of public participation. The Local Government: Municipal Systems Act (No 32 of 2000), outlines that Council meetings be held in public, with notices published announcing Council meetings, stating the date, time and venue for these meetings. Public hearings are generally held to give the community a fair and open prospect to state its case on a matter. Public meetings could be an ideal platform for municipalities to share information about the needs of their communities and provide clarity on issues that are misunderstood by them. Community members and their representatives could use the opportunity to interact with officials during breaks and after meetings (Meyer & Theron, 2000:40; Sewell & Coppock, 1997:36). But based on the results, the community of Makhaza always see public meetings as useless as community issues are never discussed and representatives will expect them to listen instead of having a two-way communication. This kind of dialogue never worked but since South Africa implements a representative government, those in power misuse their powers to rule the public.

**Street and Ward Committees:** This result is of concern, as the community members and representatives clearly did not share the same sentiments. A possible interpretation of this is that the respondents are not working closely with the community, which simply means that the system is not functioning well. In terms of legislative instructions, a primary role of the Ward Committee system is to deepen democracy and promote public participation in government. But the respondents are certainly not giving a positive response with regards to the representatives



and that was indicated as one of the reasons they took the matter of the toilets into their hands and protested.

**Public Participation:** From the responses of the respondents it is very clear that the community is aware of the neglect of public participation that was conducted as well as the fact that the consultative process was masked. The overall sense was that there was little public participation. There are ward meetings and public hearings but, again, the matter of public participation and the lack of communication, hinder the process. There is no communication strategy established by the municipality to encourage and promote the involvement of the communality in the matters of the municipality. The importance of public participation is in one of the aims to provide more information on service delivery to communities and for citizens to express demand of public services, and increase accountability from public officials. Consultation is a constitutional mandate. It is better to consult with communities than going back to the drawing board at the implementation stage. However, in this community, lack of public participation resulted in uninformed decisions and consensus was unable to be reached between the community members and representatives on issues that impact the public. One can conclude from this result that street and ward committees need to be reminded and guided on the mandate that is stipulated in the legislation and they are obligated to ensure effective public engagement instead of depriving the community of their rights.

### **5.3 Conclusions, study summary and Recommendations**

This chapter presented findings of the interviews held with thirty community members to find out whether public participation was conducted prior to the delivering of the portable flushable toilets in 2011-2015 in the area of Makhaza. The responses that were given enlightened the researcher about the problems that still face the community in their attempts to effectively implement the public participation in order to improve decision making for the delivery of services. Although some of the respondents were unwilling to engage with the interviewer due to the reasons that were provided in the discussion in chapter 4 of this particular study, they managed to outline the crux of the issues and simultaneously provided answers to the questions.

It was interesting to note that the majority of the respondents know nothing about public participation taking place prior to the delivering of the portable flushable toilets from 2011-2015. A few stated that public participation indeed took place but it was in a one-way direction as they were advised to fetch the toilets. The nature of the questions was based on the hypothesis that is

stated in chapter 1 of this study and that enabled the researcher to drive the respondents to a right destination, in other words to give answers deliberately.

The chapter further tested the public participation theory of deliberative democracy against the practice of public participation in Makhaza area. The test results demonstrated that there is poor public participation in the community of Makhaza and, therefore, informed decision-making is unlikely to be reached in this case as demonstrated by the case of the poo wars protest from 2013-2014. The study also found that, while community members are said to be unwilling to attend meetings, on the other hand, street and ward committees are struggling to meet their responsibilities due to some reasons. There is lack of co-ordination from street, ward committees and ward councillors. In fact, these have visible and negative implications for community service delivery in particular. Furthermore, the study found that proper distribution of information from the councillor, ward and street committees straight to the community is not taking place. Despite that, the study also found that the grassroots communities are not properly organised, therefore, their influence on the community participation process is minimal. For that reason, community members could not claim their constitutional rights regarding relevant information on the issue of the portable flushable toilets that they were not satisfied with and, rather used the protest as a means of getting their voices heard. The following discussion will provide recommendations, by paying attention to the findings and providing a point of departure.

### **5.3.1 Recommendations**

The new progressive mandate consigned to local government in terms of, inter alia, the 1996 Constitution and the White Paper on Local Government, 1998, seems to not have been fully grasped by local government institutions, suggesting that certain role-players do not fully comprehend the implications of this new mandate. This assumption is based on the results from the quantitative and qualitative methodology used for this study.

The following recommendations are offered, based primarily on the findings that have arisen from the empirical investigation that formed part of the study and the theoretical investigation on public participation.

**5.3.1.1 Recommendation: Creation of a Public Participation Platform.** Due to the lack of public participation strategies identified in the Makhaza area, this research recommends a new liberal democracy model for enhanced public participation. This model proposes that public participation should be equally distributed amongst everyone, despite their position in the

community and for the public to be given a platform on which to inform, engage, debate and reach a consensus agreement with the representatives on issues that impact them.

**5.3.1.2 Recommendation: Capacitation of Street Committee members and Ward Committee members.** Regular capacity-building programmes should be offered to these committees in order to assist them to carry out their duties and roles more effectively. It is further proposed that they should receive training simultaneously, because their functions are complementary and teamwork could be promoted. The Makhaza ward should ideally engage with structures like SALGA, PALAMA and universities to facilitate such capacity-building initiatives. Where possible, any training initiatives provided (whether by an external service provider or “in-house”), should lead to formal university credits in an effort to encourage Ward Committee members and Street Committee members to participate with commitment.

**5.3.1.3 Recommendation: Roles and responsibilities of all structures involved in public participation.** It emerged from the interviews and discussions that there is a need for the activities of Ward Committee members and street committee members to be clearly articulated and their activities monitored. Their equal and vital roles should also be redefined, as they play a pivotal role regarding community consultation and participation initiatives. In this regard, it is further recommended that the Municipality should review their roles and responsibilities in an effort to identify the over-lapping of functions, which is clearly having a negative impact on current public participation in the area of Makhaza. This recommendation, if implemented, would improve service delivery, based on the facilitation of public participation that would lead to informed decision-making in the area.

**5.3.1.4 Recommendation: Communication.** Communication between government and the citizens should be seen as an integral part of service delivery and governance. A culture of open and ongoing communication should prevail, and not be limited to crisis communication, marketing or media statements only. The research proposes that communication between community members and their representatives at large must be strengthened. Ward Committee members and street committee members should be able to communicate directly with the community regarding specific problems. On the issue of calling meetings, which is currently the prerogative of the Ward Councilor as the Chair, it is recommended that the notice of such meetings must reach the community members timeously. The results from the empirical study indicate that the mass media through public meetings is used in the community of Makhaza area, which serve a direct bearing on them. A comprehensive Communications strategy, accompanied

by implementation plans, with proper time-frames, needs to be developed in consultation with community members.

**5.3.1.5 Recommendation: Co-ordination between community structures.** The respondents who participated in this study expressed the need for the Municipality to ensure that there was a working relationship between the different structures, facilitating participation between community members and the Municipality. A lack of proper coordination between the Councilors, Ward Committee members and Community is possibly the primary reason why community engagements have often derailed in the Makhaza area. It is recommended that the municipality should establish a task team to investigate possible reasons for this lack of coordination and propose solutions to remedy the current challenges.

**5.3.1.6 Recommendation: Government should live up to its promises.** Before local government elections, political parties present their election manifestos to communities in an effort to secure votes. Community members viewed Councillors and their respective political parties as the role-players that would improve their lives. An emerging theme from the respondents underlined the need for the representatives to deliver on their promises, as communities have generally lost faith in these role-players. The failure on their part as government, to act on its promises and mandate, was recognised as one of the factors affecting public participation that leads to uninformed decisions and service delivery. Hence, the recommendation that created expectations should be fulfilled, is of particular importance. The study recommends further that public participation systems be tightened to ensure that decision-making operations are not affected by instability, both politically and administratively. If the current situation is allowed to continue, the most likely outcome will be an increase in violent protest action by local communities, which should remain a matter of serious concern for all three spheres of government. If the municipality strengthens its public participation strategies and there is a genuine commitment to engage with local communities, it is possible that the recurring threat of protest action will be diminished. There should be enhanced distribution of information by the municipality.

**5.3.1.7 Recommendation: Municipal visibility.** A recurring theme that emerged from certain of the participants was that ward councillors should visit the local community on a regular basis to establish the kind of challenges that the community faces on a daily basis. Results from the empirical survey revealed that public consultation and participation generally only took place when the councillor and his/her representatives conduct election manifestos before local

government elections. It should be noted that in terms of a variety of legislative prescriptions, municipalities are required by law to consult with their communities on public participation processes. A secondary theme that emerged from the empirical study is that communities ideally would prefer to also consult with the Ward Councillor. The Ward Councillor should visit local communities, as he is responsible for the implementation of Council resolutions.

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# APPENDICES

## Semi-Structured interview questions

### **A. Demographic Profile**

1. How old were you on your last birthday?
2. Are you male or female?
3. What race are you?
4. How long have you lived in this area?

### **B. Public Participation Knowledge**

Was there any public participation conducted prior to the delivery of portable flushable toilets in Khayelitsha, Makhaza area from 2011-2015?

1. Yes
2. No
3. Do not remember

If the answer is Yes, explain the process followed.

### **C. Perceptions of the Poo wars: 2013-2014**

1. From 2013-2014 there was a protest in this area because of toilets. Can you tell me about it?
2. Were there any improvements made to the sanitation/ toilets after the protest?
3. What community recommendations are there, for improved public participation that will lead to informed decision-making?