

Public Meeting Citizen Participation

17th April 2017; Observatory Civic Centre

Present were six civics and DAG. Two Civics sent apologies. Another civic indicated they would attend but were not present (see list at the end of this doc)

Background: The meeting was called by the Woodstock and Observatory Civics to explore the possibility of Civics developing a Municipal Bylaw on participation. It arose from discussions and experiences shared at previous Civic Dialogues hosted by DAG where all Civics shared frustrations with the token nature of participation processes which the City used in relation to development. The idea that Civics could, independent of the City, develop their own view of how participation could work for the city, and then turn that into a bylaw, was floated in these previous discussions. Eleven Civics and DAG were invited to the meeting to explore this idea.

The purpose of this meeting was:

- a) To identify if there was in-principle agreement from those Civics present to pursue this idea
- b) If so, to establish a working group to take the idea forward, and
- c) To brainstorm some ideas for what might go into the first workshop

The proposal for a Bylaw: Andrea briefly elaborated on how this process might unfold, emphasizing that the outline (attached) was merely indicative. It involved a first workshop where Civics would establish for themselves the principles for a bylaw on participation and then one or more workshops where this would be further fleshed out in an iterative process whereby civic representatives would take back information to their civics to establish what they want in the Bylaw. In parallel there would be a process of getting legal input to ensure a bylaw would be legally sound. There was concern about the reduction in the democratic process where the City relied on “experts” behind the scene who were seen to “understand the complexities” better than the civic stakeholders or even, often, the ward councilors. We should also draw on experience of other cities that have successfully implemented such provisions on participation (e.g. Bologna, Barcelona). The proposed bylaw would also provide the civics with more political clout because it had a legal basis.

Ultimately, we are looking at “what kind of city do we want”.

Points raised in discussion:

1. Issues were raised that related to strategy and approach:
 - a. There was a need for some research to establish what the existing laws and policies say about participation. This included current laws (such as Promotion of Administrative Justice Act) and policies, as well as previous laws and policies (such as the Development Framework Act). Ryan pointed out that the city has just released another Transport Oriented Design policy which places strong emphasis on participation.
 - b. We should also learn from our past experiences of participation in community struggles past and present, including from back in the anti-

apartheid period. We should also be mindful that people will mostly participate if they see participation helping them deal with issues they feel and see affecting them. This means linking participation to education – as to why participation in a particular campaign is important.

- c. The campaign for “A people’s bylaw” could be a mobilizing tool. The civics wanted to engage with the City on our terms.
 - d. We spoke a lot about the need for participatory democracy; to hold our councilors to account. Power is an underlying issue throughout our engagements – if we are to take participation seriously, it has to engage with issues of power – who holds power and how are decisions taken.
 - e. It was mentioned that HWC had held a first meeting on participation regarding heritage as there had been concern following the GEES court ruling. However, no one had heard further about this process. This should also be followed up. It does however prove that a participation bylaw is very desirable. The timing now just before 2018/2021 elections is also opportune as there might be more willingness by the politicians/officials to really listen.
 - f. We need to engage with those City officials who could support us in this process but we must be selective about whom to involve and when to involve them. It was agreed that at the early stages, we should not bring in City Officials but let the Civics lead on this.
 - g. Similarly, it was suggested that outside facilitators might be helpful, particularly to give us an outsider perspective of which we may not be aware since we are all too ‘immersed’; however, this needs to be balanced with civil ownership of the process. There are also many skilled facilitators in our Civics and we should draw on resource we do have in our midst where possible.
 - h. Discussion was also needed on advocacy options – different tools and tactics will be needed by different Civics in different circumstances at different times. This, in turn, points to the need for popular materials (pamphlets, etc) to support this work. DAG indicated they could support the development of popular materials.
 - i. The need for legal support was noted. DAG indicated they work closely with Angela Andrews at the LRC and think she could be involved to support this.
 - j. It was agreed that even if the proposed bylaw does not become “law” it will, nevertheless be a very useful tool for communities to use.
2. Issues were raised that touched on some of the possible content of a policy:
- a. Participation should be made real in that it should be brought down to people, rather than remain at high level theoretical formulations. Public participation had to be made more human with adequate and proper community interaction.
 - b. Participation is often actually merely a process of being consulted without any real influence – so it becomes a tickbox process. We need

- to have real community engagement if participation is to mean anything. A clear definition of public participation is required.
- c. In Durbanville, the local civic experience is that developers have used the law to sue individuals following a community action. This has the effect of damping down civic action for fear of personal liability. Any bylaw must prevent this.
 - d. A different type of arbitration or appeal process should be an outcome.

Way forward:

1. There was general agreement that the idea of Civics leading the development of a Bylaw on participation was a good one. It could help strengthen civic unity, focus attention of the officials, provide us with an organizing opportunity, and, if successful, provide a better way for us to negotiate participation in different engagements with the City.
2. We agreed that the first workshop in the series should start with a “Clean Slate” – what do Civics want from a participation bylaw – this could then be matched in future workshops against what currently exists (i.e. situation analysis of what there is presently). We need to explore not just content but what had proved to be defects and also problems in implementation. We also need to agree on principles that need to be embodied in the proposed bylaw. This would allow us to think broadly and not be restricted into tinkering trying to fix a broken system for participation. So, first workshop – what participation means to Civics + how have other cities done it; next workshop/s to include: (a) what is the current law and policy; (b) what strategies should we pursue to get this adopted (including when and how to involve planners, etc).
3. DAG offered to support the process by
 - a. having one of their staff / interns do the research needed
 - b. draw in other civil society groups they work with
 - c. link what we are doing with their programme on participation in budgeting
4. We agreed to set up a working group: Leslie, Andrea, Patrick and Ryan would pull an outline together for the first workshop, circulate that to the list, get feedback and iteratively finalise an outline for the workshop. Provisional date set for Sat September 9th – either morning / afternoon / whole day. Civics to RSVP so that we can check if venue (same venue at Observatory Community Centre) would be big enough.

Attendance

Civic	Name
Bo-Kaap	Jacky
	Fouzia Achmat
Observatory	Leslie London
	Hazel Bowen
	Joy Robinson
Phillipi Horticultural Association	Nazeer Sondag
	Susanna Coleman
Pinelands Ratepayers	Riad Davids
Sybrand Park	Patrick Melly
Woodstock	Andrea Covert
	Bevil Lucas
Development Action Group	Ryan Fester
	Crystal West
Raimbow media	Annalisa Contrafatto

Apologies

Civic	Name
Grassy Park Lotus River	Natalie McAskill
Mowbray	Jonathan Hobday
Landsdowne	Ebrahim Hull