

**THE ROLE AND PLACE OF CITIZENS IN SOUTH AFRICA: A GOVERNANCE  
PERSPECTIVE**

**By**

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## DECLARATION

I, Mandla Comfort Nyathi, hereby declare that the mini-dissertation that I herewith submit for the Master of Arts Degree in Governance and Political Transformation at the University of the Free State, is my independent work, and that I have not previously submitted it for a qualification at another institution of higher education. I also declare that all reference materials used for this study have been properly acknowledged.

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## LIST OF ACRONYMS AND ABBREVIATIONS

ANC	African National Congress
ASGISA	Accelerated and Shared Growth Initiative for South Africa
BCEA	Basic Conditions of Employment Act
BEE	Black Economic Empowerment
CPA	Consumer Protection Act
EGT	Evolutionary Governance Theory
GEAR	Growth Employment and Redistribution Framework
HDI	Historically Disadvantaged Individuals
HRCA	Human Rights Commission Act
IEC	Independent Electoral Commission
LGA	Local Government Legislation
LRA	Labour Relations Act
MP	Member of Parliament
MFMA	Municipal Finance Management Act
MPA	Municipal Property Act
MSA	Municipal Structures Act
MSSA	Municipal Systems Act
NCI	National Cancer Institute
NCOP	National Council of Provinces
NGOS	Non-Governmental Organisations
PFMA	Public Finance Management Act
PPA	Public Protector Act
PSA	Public Service Act
RDP	Reconstruction and Development Programme
SAPOA	South African Property Owner's Association
UNDP	United Nations Development Programme
UNO	United Nations Organisation



## **CHAPTER 1: INTRODUCTION AND ORIENTATION**

### **1.1 Motivation**

This research's focus is on examining the role and place of South African citizens from a governance perspective. The role and place of citizens can be defined as "a process wherein the common amateurs of a community exercise power over decisions related to the general affairs of a community" (Bekker, 1998). The Constitution of South Africa (1996) recognises a citizen as a legal member of the nation who is either born or naturalised in South Africa. Being a citizen means that there are both obligations and responsibilities that must be met, to maintain representative democracy and the proper role of government. An obligation is an action that a citizen is required to fulfil by law, while a responsibility is an action a citizen should take for the sake of the good common. Obligations of citizens include the paying of taxes, obeying laws, defending the nation, registering for elections and responsibilities include voting, attending civic meetings, and petitioning the government (Christopher, 2018:117).

The role and place of citizens from a governance perspective is further solidified by the Bill of Rights. Chapter 2 of the Constitution (1996) provides that citizenry have the right to life, equality, freedom of association, political rights, citizenship, housing and parenthood for children.

Citizens have the right to vote in which they play a role by participating in the democratic process of choosing people who will represent their interests in the Parliament (Green, 2008:55). According to Santoro and Kumar (2018:199), by choosing their own leaders, citizens are making use of their space in a constitutional democracy to make a positive contribution towards good governance. Green (2008:170) reiterates that voting is a constitutional and democratic process in which the citizens can hold the government to account. Since Members of Parliament (MPs) are chosen representatives, they must be accountable to the South African people and must act in the interest of the public. Christopher (2018:31) indicates that parties are elected based on what they stand for and MPs should be able to explain what they have been doing to execute their duties. Since the mandates of political parties are temporary, MPs are accountable in the sense that

they may not be re-elected if they did not represent the public well or they do not deliver on the promises they made.

It is vital to keep politicians accountable, as it is key to democracy and good governance. Accountability will compel the state to concentrate on outcomes and to assess and report on performance (Bekker, 1998:64). According to Galvin (2017:78), accountability has three elements, namely financial accountability, political accountability, and administrative accountability. The Institute for Democracy in South Africa considers accountability as a vital part of safeguarding public rights.

In Shah's point of view (2005:35) there are two types of accountability: vertical accountability (to citizens directly through the ballot box) and horizontal accountability (to public institutions of accountability). The institutions of horizontal accountability include the legislature, the judiciary, electoral commissions, auditing agencies, anticorruption bodies, ombudsmen, human rights commissions, and central banks. Institutions of horizontal and vertical accountability are fundamentally interconnected in that horizontal accountability is not likely to exist in the absence of vertical accountability: governments will bind themselves with institutions of horizontal accountability only when they will be punished by citizens for failing to do so. Civil society is believed to be another influential factor in the development of institutions of horizontal accountability (Shah, 2005).

If competent governments are thought to be able to control the economy, then economic voting seems eminently sensible and the impact of economic conditions on election outcomes seems to provide powerful evidence of democratic accountability. In addition, if citizens are systematically biased in their perceptions of economic conditions, retrospective accountability will suffer (Achen & Bartels, 2016:147).

Contrary to the roles and responsibilities, as mentioned in the preceding paragraphs, citizens demonstrate acts of irresponsibility, which in turn affect governance in general. During the 2021 local government elections, many South Africans voted, not with an X on a ballot paper, but by staying away (Independent Electoral Commission, 2021). This was a decision that was likely to leave a patchwork of coalition-run municipalities across the country that could have a detrimental effect on the future of South Africa's democracy (Matias, 2016:56).

On the evening of 1 November 2021, the Independent Electoral Commission (IEC) would not give a final count of how many South Africans had turned up and voted. At a media conference, they would also not compare voter turnout figures to the previous elections. The overall voter turnout for the 2021 local government elections was 26 123 513, which was the lowest when compared to other elections since the dawn of democracy (Independent Electoral Commission, 2021).

The failure of the electorate (citizens) to migrate to another political party, but refrain from voting, means the ruling party remains in power and becomes more secure in its ability to govern. This is another example that indicates that the future of the country's democracy is at stake at multiple levels because the state will continue acting with impunity and a lack of accountability, which will mean a lack of service delivery to the citizens of the country (Independent Electoral Commission, 2021).

The majority of political partisans claim big entitlements in terms of middle-class empowerment policies, like the Black Economic Empowerment (BEE) policy (Christopher, 2018). Political partisans have a tendency of manipulating government systems that are put in place to regulate the processes of awarding BEE tenders (Green, 2008). This creates deficiencies and dysfunctionality in economic development and good governance. During the 2022 Budget Speech, the Minister of Finance, Enoch Gondongwane said, "46% of the South African citizens depends on social grants for living" (Budget Speech, 2022). The child support grant was another initiative by the Social Development Department aimed at alleviating the circumstances of orphans and children from poor backgrounds (Santoro & Kumar, 2018). The government initiatives of eradicating poverty through social grants provisions have created a bad habit of dependency among its citizens. South Africa has been criticised for creating what is called a 'nanny' or dependent state by paying out grants (Statistics South Africa, 2021).

South African citizens have subjective entitlement. Galvin (2017:165) defines subjective entitlement as a belief that an individual has certain benefits due to them, regardless of whether a legal foundation for that belief exists. According to Penney (2017:69), politicians will sometimes use phrases like "everyone has a right to own a home" even if there is no legal foundation to the statement. During the *FeesMustFall* national campaign

by higher education students, elevated levels of subjective entitlement were displayed. According to Zittel and Fuchs (2007:88), higher education students from various institutions of higher learner demanded that there should be free tertiary education for all, that student debts should 'fall', and that historic loans should be scrapped. The government did not have a feasible solution or budget to meet the demands of students (Christopher, 2018:51). According to the Constitution, in Section 29(b), every citizen has a right to further education; however, this right should prioritise performing students. This is better alternative, especially when one considers the country's resources.

The behavioural patterns of South African citizens play a significant role in terms of economic growth and progressive governance; this simply implies that citizens have a moral obligation of upholding their democratic roles in the governance framework (Matias, 2016:48). The way in which citizens assume roles and responsibilities aligns public servants to the processes of good governance (Christopher, 2018:61).

The main reason this study must be conducted is to investigate existing related findings on citizens and their responsibilities, their accountability and their role in governance, and to identify measures and mechanisms that the government can apply to encourage citizens to be active citizens. The study will also endeavour to find solutions that the government can implement to positively influence the citizenry's contribution in improving governance, with less dependence, and in the absence of a spirit of entitlement.

According to Patrao Neves (2015:2), taking responsibility is to be accountable for one's own actions, or to be accountable or answerable for something within one's own initiative, power, control, or management. McGrath and Whitty (2018:698) define accountability as an obligation of an individual or organisation to account for its activities, accept responsibility for them, and disclose the results in a transparent manner. Genilloud and Wegmann (2000:3) define a role as an abstraction of the behaviour of an object that consists of the interactions of that object together with a set of constraints in when they may occur.

## 1.2 Problem statement

Most middle-class South African citizens make use of their platform as prescribed in the Constitution to exercise their roles and obligations (Matias, 2016:116). For example, they value their right to participate in the democratic process through voting for leaders who advance their interests. However, citizens often disregard their roles and neglect their responsibilities by violating other citizens' rights and, to some extent, failing to defend the state (Penney, 2017:118). For example, even though the Constitution of South Africa provides for the right to protest, some citizens infringe others' rights by blocking roads and vandalising public infrastructure and property. Furthermore, according to Christopher (2018:99), citizens have taken advantage of the Constitution (1996), which embraces human rights to develop a sense of dependence and citizenry entitlement, which in turn derails good governance and negatively affects the economy. Hence, it would appear that citizens have misplaced their role and place in ensuring good governance in South Africa. This assertion is supported by the high rates of protests that has yielded nothing, but the destruction of property.

The most recent incident, which corroborates the absence of patriotism and a spirit of nation building, occurred in July 2021 with the 'Free Zuma' protests. This is another indication that the nation experiences regular political unrest, branded by extensive looting of shops and businesses as well as the burning and destroying of public facilities and private properties (South African Budget Speech, 2022:113). According to Christopher (2018:115), incidents of the looting of shops, the damaging of public infrastructure, and the attacking and assaulting of fellow citizens are incidents committed during violent public protests. Contrary to the commitments and efforts made by the government through the Constitution and other societal advancement initiatives, most citizens put a strain on the already economically strained government by destroying infrastructure. Such actions raise the question whether citizens recognise and understand their democratic role in the democratic governance framework. It is evident that they have misplaced their role and place in holding the government to account and, hence, improving governance. The role and place of citizens is to engage the government using



the proper channels, such as the Parliament, through their MPs to address their grievances.

Furthermore, South Africa faces a serious predicament of having to accommodate and tolerate political partisans who are politically entitled and use their citizenship status to hinder economic progress (Matias, 2016:113). For example, many citizens believe in former President Jacob Zuma and claim that he is innocent; hence, the violent 'Free Zuma' protest. Every citizen has the constitutional right of political association and freedom of expression; nevertheless, every constitutional right that is expressed with elements of violence hinders progress and derails effective governance (Constitution, 1996). On the other hand, according to Statistics South Africa (2021), some citizens are opportunists. Consequently, most citizens who committed acts of criminality during the 'Free Zuma' protest were not Zuma supporters but saw an opportunity to commit various crimes in the name of the protest.

Furthermore, the effects of the 'Free Zuma' protest and unrest were considerable in both scale and intensity. The after-effects of the protest were a loss of properties, business stock, employment, and livelihood, assets services, such as medical and pharmaceutical supplies, farming, financial services facilities, telecommunication facilities, food distribution centres, and seaports. According to D'mello (2020:89), the protests continued to negatively affect government programmes, such as the Covid-19 vaccination Programme. Hence, it has been considered unprecedented and the worst since apartheid.

By disrupting businesses through looting and arson and damaging business premises and property, the protests caused significant financial and infrastructural losses. The South African Property Owners' Association (SAPOA) reported that 3000 stores were looted, and 1199 retail stores were damaged during the protests, including large outlets and businesses. The scourge of a lack of patriotism by citizens hugely affected the country's economy (Alexander, 2015:66). During the 'Free Zuma' protests, several malls and warehouses were damaged, banking services were affected, informal and formal businesses were affected, and jobs were put at risk, mostly due to business closures and the possibilities of delayed re-stocking and reopening. The actions of citizens during the

protests cost the economy of South Africa some R50 billion (Statistics South Africa, 2021).

Moreover, parts of the main national highways were blockaded, thereby disrupting commercial traffic along the routes, which serve strategic arteries nationally and regionally. More than 35 trucks were burnt and looted (Ahmad, 2020:114). Actions by the citizens also negatively affected the Covid-19 vaccination rollout and disrupted the transportation of medical provisions and delivery of healthcare services (Gabryelczyk, 2020:90). The South African Department of Health reported that about 25 000 vaccine doses “vanished” during the protest action through acts of looting and arson (D'mello, 2020:112). According to Ahmad (2020:116), the target of vaccinating 300 000 people per day was hindered at a time when government sought to vaccinate 67% of the population by the end of 2021 to reach herd immunity. Moreover, the closure of 90 pharmacies in KwaZulu-Natal and Gauteng affected the collection of essential medicines by people with chronic illnesses (Statistics South Africa, 2021).

Another aspect that hinders progressive governance is the scourge of corruption committed by many South African citizens. Corruption is defined as the act of unfairly or illegally influencing a decision-making process through the giving and receiving of a benefit for the person making the decision or a third party connected to the decision maker (Pro Ethics, 2011:1). According to Ofusiri (2020), there are many major factors responsible for the decline in economic growth in South Africa. At the top of the list is corruption. Corruption has been a major economic setback in many African countries, including South Africa. Corruption thrives on a lack of morality and professional ethics in a political and economic environment. Corruption escalates into unemployment, a reduction in tax revenue, a decline in business operations, and ultimately, the collapse of the economy.

The Corruption Perceptions Index (2021) classifies South Africa amongst the most corrupt countries in the world. Out of 180 countries on the list, South Africa is ranked at number 70. The scourge of corruption in respect of citizens and their role is significant and it needs to be given special attention for the government to thrive. High levels of unemployment, poverty and the scarcity of resources in South Africa are some of the

contributing factors to corruption. As far as corruption is concerned, citizens are key players. Often, citizens are at the receiving end of the value chain of corruption, instead of taking a stand by abstaining from partaking in corrupt activities and reporting corruption to the relevant authorities.

Another point of concern that reflects a lack of responsibility is the plague of substance abuse by many South African citizens, especially the youth. Substance abuse is defined as the use of illegal drugs or the use of prescription or over-the-counter drugs or alcohol for purposes other than those for which they are meant to be used, or in excessive amounts (National Cancer Institute). Substance abuse may lead to social, physical, emotional, and job-related problems. According to CMScript (2021:1), substance abuse is on the increase in South Africa and at least 15% of South Africans are said to have a substance abuse problem. Alcohol, Marijuana, Cocaine, Tik and Heroin are some of the most frequently abused substances in the country. According to the World Health Organization (WHO), approximately 31 million persons suffer from substance use disorders.

Furthermore, according to the Road Traffic Management Corporation (2021), there were 12 921 deaths on South African roads in a single year. Out of the total number of deaths caused by road accidents, 50% was because of drunk driving. The aforementioned statistics are an indication that many citizens fail to consume alcohol with responsibility. Road accident fatalities due to drunk driving have dire effects on the economy. Road accidents are a negative consequence of economic growth, affecting both economically active members of the society and other citizens (Road Accident Fund).

The relevance of the statistics mentioned above, while providing background, is that when citizens neglect their roles and responsibilities, governance is affected. Irresponsible actions by citizens of looting shops, damaging property, getting involved in corrupt activities and substance abuse, exacerbate the already strained economy. In addition, the South African governance framework constitutionally affords citizens the space or opportunity to contribute in building the nation, rather than neglecting their roles.

The section above has laid a foundation in identifying the research problem, which will assist in finding a suitable solution through a structural methodology and strategy.

### **The research question of the study is:**

What is the role and place of citizens in South Africa: a governance perspective?

### **The core questions of this study are as follows:**

- Do citizens recognise and understand their democratic role in the democratic governance framework?
- What are the responsibilities and accountability of citizens in governance?
- What is the role and place of South African citizens in the Constitution and related legislation?
- How can the government encourage citizen participation to improve governance?

### **1.3 Aim of the study**

The primary aim of this research is to examine the role and place of citizens in South Africa in view of governance. To achieve this, qualitative research will be conducted, and recommendations will be made on how to improve governance through citizen participation.

### **Key objectives of this study:**

- To establish if citizens recognise and understand their democratic role in the democratic framework;
- To identify citizen's responsibilities and accountability in governance;
- To identify the role and place of citizens in the Constitution and related legislation; and
- To provide recommendations on how the government can encourage citizen participation to improve governance.

### **1.4 Research methodology**

A research methodology is significant for any study in ensuring credibility and that the study adds value to the body of knowledge. In this research, the qualitative approach will be applied in order to explore the role and place of citizens in South Africa. The phrase

qualitative methodology refers in the broadest sense to research that produces descriptive data – people’s own written or spoken words and observable behaviour (Abernethy, 2019:56). Qualitative methodology is more than a set of data-gathering techniques, but a way of approaching the empirical world.

Qualitative research deals with the underlying qualities of subjective experiences and the meanings associated with the phenomena (Plooy-Cilliers et al., 2019). This research will be a desktop study, using secondary data. Klenke (2018:117) defines secondary data analysis as an analysis of data that was collected by someone else for another primary purpose. The research method consists of how the researcher collects, analyses, and interprets the data in the study. Moreover, secondary analysis is a systematic method with procedural and evaluative steps.

Having looked at the above definitions of secondary data and qualitative data, it is apparent that qualitative research methodology will be the most suitable approach to answer this research question and achieve the aims and objectives of this study. The focus of the study will be the dynamics of the behavioural patterns of South African citizens, with special focus on the role and place of citizens in the governance framework. The study will further focus briefly on the historical behaviour and trends of different generations whose behavioural patterns were guided or influenced by the constitutional framework of their times. The current generation of citizens should set trends, influenced by the findings of this study, which can be followed by future generations.

The deductive research approach will be applied as it is connected to the qualitative research approach. According to Brynard et al. (2014:66), the deductive method is a logical approach where one progresses from general ideas to specific conclusions. In deductive reasoning, the author often makes an argument for a certain idea. Since it is a qualitative study, a thematic data analysis approach will be followed. According to Alles (2019:121), thematic data analysis is a qualitative data analysis method that involves searching a data set for patterns that may be discovered, analysed and reported. Moreover, the phenomenological philosophy will also be utilised in this study as it aligns with the qualitative research approach.

Furthermore, a desktop valuation study will be conducted. There will be no human participants interviewed for this study, and there will be no sampling of any population, as the research will focus on the secondary data that has been collected. The study will focus on relevant documents on the literature related to the concepts of the topic.

A discussion of the researcher's theoretical perspective will include the following: the central propositions of the theory, past uses and applications, and a discussion about how the theory specifically relates to the researcher's proposed study. Answers to the questions will be derived from sources on the content of relevant research concepts.

### **1.5 Literature study**

Abernethy (2019:178) defines a literature review as the part of the thesis where there is extensive reference to related research and theory in the researcher's field; it is where connections are made between the source texts that the researcher draws on and where he positions himself and his research among those sources. It is the researcher's opportunity to engage in a writing dialogue with other researchers in the same area while at the same time showing that the researcher has engaged with, understood, and responded to the relevant body of knowledge underpinning his/her research.

Moreover, the literature review is where the researcher identifies the theories and previous research, which have influenced his choice of research topic and the methodology he chose to adopt. The researcher can use the literature to support his identification of a problem to research and to illustrate that there is a gap in previous research, which needs to be filled. The literature review, therefore, serves as the driving force and launch pad for the researcher's own research investigation.

The literature review will highlight the relevance of the topic to the related literature. In terms of this study's topic, Matias (2016:7) points out that being the beneficiary of rights created for others does not make a foreigner a citizen, and therefore, citizenship is an important source of legitimising legal rules. This highlights the relevance of the existing literature in terms of basic human rights as stated in the Bill of Rights.

Thus, considering the people within the framework of a democratic system as the basis of the validity of legal rules, the validity of those rules depends on the concept of a people

itself. This simply implies that the role and place of citizens in the governance framework are non-existent without citizens. According to Christopher (2018:90), participation in the political life of democratic South Africa constitutes the improvement of individuals. The great virtue of citizens is justified by their responsibility to manage the public good.

Citizenship is usually referred to as political activism or civic engagement. Matias (2016:97) defines citizenship as meaning the nature of the public involvement by members of the polity. A citizen would then be an active member of the political community. In the context of this study, this means that by virtue of being citizens South Africans have a vital role that they play in the dynamics of governance. According to Falk (in Matias, 2016:98), there is a growing movement of what he calls “globalization from below”, which is a “democracy without frontiers”. In this sense, citizenship is in the realm of the construction of global civil society, which is seeking to extend ideas of moral, legal, and environmental accountability. Falk (ibid.) expands on the role of citizens by highlighting the dimensions of citizenship beyond the traditional boundaries of the nation state, namely: (a) the aspiration to the unity of human experience as seeking to create a better world; (b) the tendency toward global integration as a result of economic globalisation; (c) an expanding consensus of informed people around the world on the survival of the mankind (issues like energy, resources, and the environment); and (d) transitional militancy toward international causes and the ability to change mainstreams views.

The literature review will further establish if there is a correlation between the topic and the relevant literature. Zittel and Fuchs (2007:16) argue that even in a more participatory frame, citizens might decide not to participate, either because they are ignorant of the goal to participate or because they value other goals more, and thus abstain from participation. This illustrates a correlation between the existing literature and problems that were highlighted in the motivation section of this proposal; for instance, the low voter turnout during the 2021 local government elections. Theorists of participatory democracy do not side with this assumption but regard political influence as an important goal. A second crucial assumption is that institutional structures pattern the behavioural strategies of each citizen, considering the goal of having political impact. It is assumed

that in some way opportunities to participate are adequately perceived and evaluated among citizens in terms of political impact and thus provide behavioural incentives at the individual level.

Zittel and Fuchs (2007:17) stress the significance of Pateman's notion of participating in policy decisions, which is further specified at the conceptual level of analysis. It is specified in the sense of taking binding policy decisions rather than merely having an influence on this process. The model of direct decision-making thus prescribes that those binding decisions within a political community are taken by all citizens. This empirical model can be considered as a natural element of participatory democracy. From a logical point of view, it stands in direct contrast to representative democracy, and it has been discussed in this sense quite extensively in modern democratic theory.

According to the Global Forum and Reinventing Government (2007), governments have a crucial role in achieving sustainable human development and reducing poverty, but they cannot achieve these goals alone. Effective governance in a global society implies cooperation or partnerships in which national governments work collaboratively with lower levels of public administration, the private sector, organisations of civil society, other states and international organisations through democratic, transparent, and participative processes. The United Nations (UN) has taken a leading role in recognising governance. In the UN's paradigm, governance is defined as "the exercise of political, economic, and administrative authority to manage affairs. It is the complex mechanism of processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations, and mediate their differences."

The United Nations Development Programme (UNDP) has offered a definition for good governance. Its characteristics include widespread participation by all citizens, decision making by the rule of law, transparency in the actions of governance institutions, responsiveness to the needs and desires of citizens, equity in the treatment of citizens, effectiveness and efficiency in the use of public resources, public accountability, and the exercise of strategic vision in planning for development. The research wishes to adopt the afore-mentioned definition, since it stresses the need for citizens to participate in government activities.



## **1.6 Research layout**

This research study will comprise of five chapters that will include the introduction and orientation; the theoretical framework; citizens' responsibilities and accountability in good governance; and the research findings, recommendations, contributions, and conclusion.

### **Chapter 1: Introduction and orientation**

This chapter outlines the aims and objectives of the study, and what the research hopes to achieve and aims to address. The chapter further shapes the research question to be answered by the study. It also introduces issues relating to citizens, governance processes, and the theoretical framework.

### **Chapter 2: Theoretical framework**

In this chapter, the researcher will build a research structure by applying the background and the theoretical concepts on the subject matter of the theory on citizens and their role and place in the governance perspective.

### **Chapter 3: Citizens' responsibilities and accountability in good governance**

The focus in this chapter will be on the theoretical meaning of responsibilities and the accountability of citizens, and the conceptualisation and comparison between the roles of the citizens in the context of the South African Constitution and other constitutions.

### **Chapter 4: The role and place of the citizens in the Constitution and related legislation**

This chapter will identify the causes of a lack of citizen responsibility and accountability, as well as determine the subsequent challenges that emanate from such a phenomenon. This will be done considering the information gathered in previous chapters.

### **Chapter 5: Findings, recommendations, contributions and conclusion**

Once the study is conducted and information is gathered that responds to the research question, the researcher analyses the information, and makes findings and recommendations that could benefit the country in ensuring that governance is improved.

A conclusion will be made on what the researcher has found during the study, which areas need attention, and how the information gathered can benefit the government to improve governance by solidifying the role of South African citizens.

### **1.7 Significance of the study**

This study is significant in the sense that it pays specific attention to the direct impact that citizens have in governance. This research is important because it will uncover the misperceptions and delusions of South African citizens about their entitlements in the Constitution. On the other hand, the study will be beneficial to the state by providing solutions through the findings of the research to inspire good governance. Moreover, the body of knowledge on the subject will be broadened; this means that future researchers on related topics will have a wider range of research material from which to conduct their studies.

Moreover, through the findings of this study, citizens will have efficient guidelines to follow to participate in public activities, with a sense of responsibility and accountability. The study will further remove the misconception that exists between the citizens and the state, where the citizens perceive the state as a distant structure or being.

Additionally, the research will add value in terms of the governance phenomenon by exploring the existing literature and sparking enthusiasm in readers by using new, but related, research concepts. In addition, the study will serve as a link between the citizenry, the Constitution, and governance in general, meaning that there will be an improvement in governance through public participation by observing the Constitution.

## CHAPTER 2: THEORETICAL FRAMEWORK

### 2.1 Introduction

A theoretical framework synthesises existing theories, related concepts, and empirical research to develop a foundation for new theory development (Rocco & Plakhotnik, 2009). This chapter will expound on the theoretical framework of the research topic. The framework will be divided into theoretical concepts, which are derived from the aim of the study, and the problem statement.

Lopez-Varela (2016:266) states that theory could be viewed as a coherent group of assumptions or propositions put forth to explain a phenomenon. A theory is an abstraction of reality and is synonymous with a perception, a viewpoint, an assumption, a frame of reference or a perspective. The relevance of theory in any field of endeavour cannot be over-emphasised. Theory attempts to observe, understand, explain, predict, and control events or phenomena. “It helps in our understanding of events and problems in the practical world,” states Fajana (in Lopez-Varela, 2016:266). Hyman (in Lopez-Varela, 2016:266) argues that the whole point of an explicit theoretical perspective is to provide a framework within which the complex detail of the real world can be organised.

Creswell’s theory (2009) on conceptual and theoretical frameworks plays a key part in the research process. A theoretical framework aids a researcher to properly expound on the phenomenon he/she is studying to his/her target audience. In qualitative research, concepts and theories function as a lens through which events/phenomena may be clarified and understood (Creswell, 2009).

Leavy (2017:92) describes theories as thoughts that are employed deductively as a means of predicting what the researcher expects to find regarding how certain variables are related to each other. The specific theory or theories employed are determined by prior research on the researcher’s topic, most likely within the discipline. The discussion of the researcher’s theoretical perspective should include the following: the central propositions of the theory, past uses and applications, and a discussion on how the theory specifically relates to the researcher’s proposed study.

Researchers bring together diverse strands of previous knowledge to imagine and make inferences and intelligent guesses to select plausible hypotheses or develop new hypotheses about puzzling findings. Previous theoretical knowledge is however needed whether researchers select an available hypothesis or create a new one. In the latter case, researchers put old ideas together in a new way and thus modify and transform prior theoretical knowledge (Denzin & Lincoln, 2011:750).

## **2.2 The Citizenry**

The idea of citizenship in its early form is found in ancient Greek and Roman state systems. It is worth noting that this form of ancient Greek community was entirely different from the present-day political community of democratic nation states. In a modern democratic state, all members of a community are regarded its citizens. But in ancient Greek city-states very few inhabitants (about ten percent) enjoyed the status of 'freemen' who were treated as full citizens. These citizens were equal among themselves as regard their rights. There was no discrimination between the rich and the poor among freemen. The rest of the community comprised of slaves, women and aliens who had no rights of citizenship. That is why Aristotle regarded citizenship as a privilege of the ruling class. In this sense, citizenship stood for effective participation in the exercise of power (Gaubu, 2016:306).

Gaubu (2016:308) identifies three stages of development of the rights associated with citizenship. In the first stage, civil rights (constituting civil citizenship) evolved in the eighteenth century. These included equality before the law, liberty of the person, freedom of speech, thought and faith, and the right to own property and conclude contracts. In the second stage, political rights (constituting political citizenship) evolved in the nineteenth century. These included the right to take part in elections and the right to serve in bodies invested with political authority, whether legislatures or cabinets. Finally, in the third stage, social rights (constituting social citizenship) developed in the twentieth century. These included the right to a certain standard of economic and social welfare, and the right to a full share in the social heritage.

According to Raadschelders, Kisner and Vigoda-Gadot (2015:93), a more abstract notion of citizenship is that it presumes a set of duties and rights that could be expected and

enjoyed by those who live in a country. However, once they come to be recognised as citizens in a legal sense (that is, equality before the law), this must be translated into specific citizen rights.

Raadschelders et al. (2015:93) further distinguish three types of citizen rights. The first to be established was the civil rights that included freedom of speech, freedom of association, and the right to start a business without fear of nationalisation. These rights were monitored by the court system. During the nineteenth and twentieth centuries people also acquired political rights, such as the right to vote and the right to be voted into office, and this was pursued and supervised by legislatures at the national and subnational levels. Finally, people were given social rights such as universal health care and education. It was access to education that shored up the notion of citizenship because through it individuals were socialised into being citizens (ibid.).

Citizenship is a key factor for inclusion, although it might not be easy to obtain. For some people, obtaining citizenship could prove impossible, due to certain conditions. Citizens are all those who can participate actively in the collective life and in the construction of the community. The condition of citizen is therefore defined in relation to the possibility of participating. Hence, citizens are all those who prove themselves capable of participating (Matias, 2016:13).

According to the international law of citizenship, citizenship is no longer the criteria for the enjoyment of human rights. This means that citizenship is now less of a rights-based status but has become a political status. In addition, being centred on the human being, the new international law is concerned with individual rights and aspirations. In that sense, it is not so important that states agree with each other about their internal definition of citizenship if the individual's rights and aspirations are adequately taken care of (Matias, 2016:69). Furthermore, Matias (2016:80) perceives the concept of citizenship as a group of rights resulting from sociological approaches to citizenship regarding the rights that it brings with it.

Despite these theories, it should be acknowledged that there is scarcity of citizenship rights today as most human rights are protected in relation to every human being, regardless of his/her citizenship. Citizenship implies full membership of a community:

those who possess this status are equal in respect of the rights and duties associated with it. Marshall (2009) states that different societies will attach different rights and duties to the status of citizens, for there is no universal principle which determines the necessary rights and duties of citizenship.

According to Raadschelders et al. (2015:95), if only territorially and politically defined, citizenship should not be an issue to most people, for it simply extends civil and social rights to the entire population. Citizenship becomes a challenge, though, once minorities acquire sufficient numbers so as to legitimately claim political rights. In various Western European countries, second- and third-generation immigrants now hold elective office at the local, regional (provincial), and national levels. Beyond this, concerns about citizenship appear to be mostly driven by the inflated notion that “national identity” is in jeopardy because of large numbers of citizens of foreign descent (ibid.).

In Gauba’s (2016:305) point of view, citizenship denotes the status of an individual as a full and responsible member of a political community. Thus, a citizen is a person who owes allegiance to the state and in turn receives protection from the state. The citizen must fulfil duties and obligations towards the state as the state grants civil, political, and social rights. Hence, Gauba (2016) states that citizenship implies a two-way relationship between individual and the state.

The biggest change that was wrought because of the Atlantic Revolutions is that people no longer were subjects and became citizens instead. For centuries, people were subjects, with up to 95% of the population without any political power and without any hope of improving their lot. From the late eighteenth century on, though, they increasingly became equal in the eyes of the law (Raadschelders et al., 2015:89).

Citizenship includes commitment to the political system. This does not mean that every citizen must run for office, vote in every election, or accept an active position in government. It does convey the basic value, however, that the citizen supports the system. Support may vary from passively accepting the rules to actively participating through campaigning and other political acts associated with membership in society (Gerston, 2014:9).

Raadschelders et al. (2015:92) define citizenship as being an inhabitant of a particular area (city, town, and region) by birth. Citizenship is, thus, experienced in a geographical context, and for much of history the physical environment people identified with was local and, at best, regional. If localities belonged to a ruler far away, as was the case in empires, people were not likely to have identified as citizens of that empire.

The people or citizens are the ultimate political authority, creators of the constitution and the owners of government. Although represented, they merely lend their authority to politicians and can easily be provoked to reclaim it. This “people” is both a collective, self-determining nation and a collection of individuals enjoying rights that belong to people as human beings (Dryzek, Honig & Phillips, 2017:352).

An intense sense of citizenship develops when people feel that they are treated well by their public authorities and, more specifically, are satisfied with the quality of public services. However, research has shown that when people are content, their inclination to engage in active political participation and community involvement declines. When all goes well, citizens do not see the need to be involved (Raadschelders et al., 2015:92)

Citizenship as basic membership of a nation state carries rights to freedom, redress, and political participation. Members of groups excluded partially or fully from citizenship status, such as working men, and then women in many countries, have often won these rights through bloody struggles. Such struggles for rights are based on one or other notion of full inclusion or citizenship (Dryzek et al., 2017:403).

In Matias’s view (2016:15), “The current meaning of citizenship depends on how it is framed within the structure of the State, if we accept the idea of a people as a linking element or substratum of legitimacy of a political community”. As historical analysis demonstrates, lying at the origin of citizenship is the constitutional concept of a people. This origin of the concept is significant if we are to fully understand its current configuration. It is not possible to conceive citizenship disconnected from its substratum and the constitutional notion of a people. In fact, the definition of citizenship is the sovereign instrument for the definition of a people; in ancient times, as will be seen, the interpretation was always thus.

On this subject, Matias (2016:17) points out that being the beneficiary of rights created for others does not make a foreigner a citizen; therefore, citizenship is an important source of legitimising legal rules. The legitimisation of those rules is based on the premise that the foreigner wishes to belong.

Medearis (2015:58) argues in the Philosophy of Right that the modern state must not appear to citizens to be an alien imposition. The people must be able to rationally identify with it so that they accept its authority willingly. It must, then, be differentiated to reflect the different elements found in every person and every subject, including, crucially, a “moment of ultimate decision” (Medearis, 2015).

According to Bellamy and Kennedy-Macfoy (2014:23), citizenship is a political and legal object that creates a condition of civic equality among those who possess it regarding the prerogatives and responsibilities it bestows and requires. In addition, Bellamy and Kennedy-Macfoy (ibid.) state, “He who has never learned to obey cannot be a good commander. The excellence of the two is not the same, but the good citizen ought to be capable of both; he should know how to govern like a freeman, and how to obey like a freeman – these are the excellences of a citizen”.

Powietrzyńska and Tobin (2017:154) describe society as a phenomenon marked by, among other things, racism, sexism and homophobia, competition for housing, healthcare, education and income, a lack of safety nets for children and the aging, and an imposed austerity that benefits the wealthy few. Instead of educational practices that reinforce market individualism and that foster self-promotion and self-blame, a critical integral mindfulness furthers conscious agency in which people develop themselves as social beings and global citizens, part of a democratic, civic mindfulness that creates a shared sense of common good citizenship (ibid.).

The citizenry as a concept is sourced from the researcher’s topic and it is one of the core concepts of the thesis. Hence, the preceding paragraphs are aimed at defining and elaborating on the ‘citizens’. The aforementioned definitions are all significant, as they elaborate on the relevance of citizens in the study.



### 2.2.1 Civic Participation

According to Muñoz, Hernandez and Bolívar (2017:61), “Protesting and marching, attending a public meeting, lobbying a government official, writing to a newspaper about a public issue, signing an e-mail or written petition, boycotting, canvassing a neighbourhood, or engaging in political mobilization and debate are all forms of civic engagement”. Public participation in governance involves the direct involvement or indirect involvement through representatives of concerned stakeholders in decision-making about policies, plans or programmes in which they have an interest. Stakeholders are persons, groups or organisations that may influence or be affected by policy decisions or place a claim on an organisation’s or other entity’s attention, resources or outputs. Through public participation, stakeholders may interact with government agencies, political leaders, non-profit organisations and business organisations that create or implement public policies and programmes. While participation may be limited to discrete acts, or described by a set of practices, participation more generally is the process of engagement in governance (Quick & Bryson, 2016:1).

The term ‘citizen participation’, once used interchangeably with ‘public participation’, is now falling out of favour. The term excludes many participants who do not have formal citizenship status and neglects numerous other types of public or civic participation and engagement. Governance occurs through networks of public agencies and other entities. Two highly influential frameworks in participation scholarship and practice dichotomise government agencies and the public, emphasizing the influence of the latter on decision-making by the former (Quick & Bryson, 2016:2).

In the viewpoint of Muñoz et al. (2017:61), no clear distinction between the terms “civic engagement”, “civic participation” and “citizen participation” is made; the terms are used interchangeably in most cases and consistent definitions, as well as measures of participation, are lacking. Muñoz et al. (2017) define participation as any activity – “people can participate by writing letters, ringing up, attending events, sending e-mails or using a host of other forms of communication”; whereas engagement means that citizens can take part in a process, along with the fact that they can influence decisions and results.

Social involvement and civic engagement are described as latent forms of political participation that summarise citizens' pre-political interests and activities in political and social affairs. Citizens' readiness or willingness to act is crucial to develop an interest in political and civic affairs, which will then form political participation. As the difference between civic participation and civic engagement is small, only two primary concepts of political participation can be distinguished: electoral participation and civic participation (Muñoz et al., 2017).

Quick and Bryson (2016:2) assert that appropriately characterising and analysing the "design space" of participation in governance requires attention not only to the dimension of participants' influence on decision outcomes but also to what kinds of stakeholders participate and how the participation is conducted. The dynamics of public engagement in governance are multi-dimensional and mutually constitutive.

The concept of civic participation has a strong focus on administrative processes in city governments where citizens take part as co-producers of public services by communicating critical issues and developments within their neighbourhoods to their government (Muñoz et al., 2017).

### **2.2.1.1 Key themes of participation theories**

#### **Legitimacy**

Participation's potential benefits are realised when the process goes well, but often it does not. Despite a great deal of practical knowledge and research, stories abound of participation failures. Legitimacy is one of the most contested features of public participation, typically expressed in terms of the adequacy of participation or representation, the technical or political workability of the decision outcomes, and the procedural fairness of the process. When public participation is not seen as legitimate, it can alienate the public from the government and disrupt the implementation of policy decisions (Innes & Booher in Quick & Bryson, 2016:4).

How legitimacy is accomplished and evaluated can be viewed through multiple theoretical lenses. One commonly used in the discourse about deliberative democracy is on the quality of the exchange, namely that legitimate participation requires that the participants

explain themselves clearly, use logical arguments, and use valid criteria for evaluating options and outcomes (Jacobs et al. in Quick & Bryson, 2016:4).

Another lens relates to the legitimacy of the policy outcomes, meaning whether the decisions fulfil criteria for good policy, such as equity, efficiency, or technical implementability. Indeed, one of the compelling reasons for public participation is to ensure that government policy and programme choices are legitimate in terms of being acceptable to and addressing the needs of the public (Fung in Quick & Bryson, 2016:4).

Another theoretical lens for understanding legitimacy relates to the quality of the process. Procedurally just and procedurally rational processes are likely to be high in quality. Procedural justice refers to whether, or the extent to which, the process embodies democratic values such as fairness, transparency, attentiveness to stakeholders' concerns, and openness to public input. A procedurally just process is presumed to increase the acceptability of the decisions reached (Innes & Booher in Quick et al., 2016:4).

Procedural rationality involves collecting, analysing, and using information that is relevant to the decision (Dean & Sharfman in Quick & Bryson, 2016:4). The presumption is that procedural rationality will help assure that final choices are substantively rational, meaning that they make sense on different grounds, including technical, administrative, legal, ethical and stakeholder support criteria (Simon in Quick & Bryson, 2016:4).

In the view of Huxham and Vangen (in Quick & Bryson, 2016:4), process legitimacy is also connected to trust. Trust is problematic in any process involving people with diverse interests and levels of power but, when diverse voices are included and power is managed so that potentially marginalised groups influence outcomes, there are strong payoffs for the legitimacy of the process, the quality of the decisions, and effective decision implementation.

In addition, stakeholders are more likely to accept a decision that they believe was produced in a procedurally just manner, even when it is not their individually preferred outcome (Tyler & Degoey in Quick & Bryson, 2016:5). This enhanced "buy-in" to decisions

can limit delays, mistakes and lawsuits during project and policy implementation (Laurian & Shaw in Quick & Bryson, 2016:5).

### **Diversity and Inclusion**

Leaving the public out of decision-making is an example of tensions regarding inclusion in and exclusion from governance. A key challenge in participation is ensuring that an appropriate range of interests is engaged in the process, including those normally excluded from decision making by institutionalised inequities (Abers & Young in Quick & Bryson, 2016:5).

All too often, participatory processes end up including the “usual suspects” – people who are easily recruited, articulate in the language and logics being used to make decisions, and comfortable in public arenas. Indeed, most public participation is not inclusive: it does not involve deliberation and creating new understandings together but rather is oriented to “consulting” with the public to gather input (International Association for Public Participation, 2014).

Stakeholder analysis and the active management of conflict and power are thus needed to ensure that under-represented and marginalised groups are at least considered and may have a place at the table (Bryson in Quick & Bryson, 2016:5). Practitioners and scholars raise questions, however, about the impact for inclusion and diversity of the recent valorisation of deliberative, collaborative, and consensus-oriented approaches to public participation (Innes in Quick & Bryson, 2016:5).

Depending upon how conflict and power are managed, participation may enhance marginalised groups’ influence and provide a robust container for negotiation among differences (Crosby & Bryson in Quick & Bryson, 2016:5). Conversely, dissent may be silenced even while the sponsors of a process claim legitimacy through adopting the veneer of a participatory approach (Young, Bulkeley & Mol in Quick & Bryson, 2016:5).

According to Quick and Bryson (2016:6), inclusion and exclusion are often used in reference to the ethnic, racial, gender or socioeconomic diversity of the people taking part in public participation. This locates the focus of diversity on the status of the people taking part in a participation process. It may also be associated with concerns about the

representativeness of the people participating, for example in terms of their socioeconomic diversity, relative to the people who have a stake in the policy decision.

A complementary theoretical lens re-conceptualises inclusion as practices of engaging a diversity of perspectives to discover new understandings of problems, resources, and options. In this view, inclusion involves active negotiation among differences in perspectives, identities, institutional boundaries, or issue definitions (Quick & Feldman in Quick & Bryson, 2016:6).

### **Expertise and Participation**

Including a variety of perspectives in decision-making through public participation often agitates concerns about whether substantively rational outcomes can be attained and legitimated. Many concerns centre on the nature and proper place of expertise in governance. Policymaking typically privileges what Scott and Yanow (in Quick & Bryson, 2016:6) characterise as expert knowledge over lay knowledge. In one view, giving the public influence over choices traditionally left to those with specialised expertise might produce poor outcomes. For example, involving residents in deciding how to address a traffic congestion problem might give currency to options that civil engineers would consider unsafe, too costly, or technically infeasible (Quick & Bryson, 2016:6). Public participation might also provide a platform for well-resourced “not-in-my-backyard” (NIMBY) advocates who oppose policies or programmes that the greater public need (King in Quick & Bryson, 2016:6).

#### **2.2.2 Active citizens**

In the view of Cruickshank (Newman and Tonken, 2016), the term active citizenship is an invention of policymakers and the ideals of social movements, to be appropriated and adapted for policy purposes, leading to new strategies of incorporation. That is, the idea of active citizenship is used to discipline rather than liberate and empower. For example, participation as a right and a form of empowerment might be transformed into participation as a duty in the service of policy aims.

Policymakers try to activate as many citizens as possible to manage tensions emerging from the transformation of welfare states: those of providing higher-quality care with lower

budgets, of responding to concerns over crime by devolving responsibility for the management of social control to communities, or of promoting healthy lifestyles in a climate of growing healthcare costs. Citizens' demands for inclusion are being remodelled as duties to be included and to include others (Newman & Tonkens, 2016:10).

In Wardhaugh's (2017:3) opinion, people do not only matter as the electorate, or as workers, soldiers and citizens; they also matter as the body politic, re-imagined for a new world. Anarchists and communists, royalists and fascists, Catholics and regionalists, and governments turn to civil activities for the purpose of political integration and subversion, to shape the active citizens of the present and to imagine those of the future (ibid.).

Active citizenry demonstrates the importance as a locus for the discussion of culture and citizenship, and its significance in the evolution of popular communities. However, it also reveals that whatever the political and numerical strength of rival communities, they all grapple with similar challenges in seeking a utopian role for public involvement, out of step with time and place (Wardhaugh, 2017:5).

Moreover, conceptions of active citizenship invoke issues of agency, politics, and power. Active citizens are invited to deliberate on policy options or service developments, or to contribute to an ever-expanding array of new governance and partnership bodies. Such modern conceptions of the citizen participating in the polity draw on, but also transform, older conceptions of citizenship (Newman & Tonkens, 2016:14).

A rights-centred discourse has increasingly given way to a responsibility-centred discourse. The transition between the rights-centred discourse of social citizenship and the responsibility-centred discourse of active citizenship is clearly seen when looking back at the documents of early 2000, some of which refer to the constitution as the foundation of social citizenship and social security (Newman & Tonkens, 2016:70).

Active citizens draw on a wealth of new primary material from government, the police, and other public institutions, as well as from private archives and the media. With a comparative approach spanning the political spectrum and placing South Africa in its wider African context, it examines popular political spectrum in both theory and practice (Wardhaugh, 2017:3).

### **2.2.3 The relevance of the concept of ‘the Citizenry’ to the research topic**

In democracies, citizens are presumed to be important stakeholders in that they can participate either directly or indirectly through elected representatives in the formation, adoption and implementation of the laws and policies that affect them. Public participation thus is a fundamental part of the public-government relationship in democracies (Jacobs et al., 2009 in Quick & Feldman, 2016:201).

The context of public participation in governance is however broader than this relationship. Governance encompasses the formal and informal processes of decision-making and the management of domains of collective community interest or concern. It occurs through broad networks that often include public agencies but are not exclusive to them. The traditional responsibilities, efforts and effects of government are increasingly diffused across constantly changing, networked assemblages of government agencies, non-profits, businesses, and other entities. As governance has moved beyond government, so too has the scope and need for public participation (Quick & Feldman, 2016:201).

The preceding paragraphs give an indication of the relevance, as well as the significance, of the concept of ‘the citizenry’ in the study itself and in governance and political transformation.

### **2.3 Good governance**

Raadschelders et al. (2015:19) make a distinction between ‘governance’ and ‘government’. Governance refers to all institutional arrangements in society that are created to address challenges that individual effort and capacity cannot resolve. Hence, governance includes a variety of institutional arrangements. Government refers to all organisations that operate within an institutional superstructure in which sovereignty is invested and where its officials have the authority to make binding decisions of all people living in that sovereignty. By contrast, churches, labour unions, sports clubs and guilds are institutional arrangements that contribute to the governance of society, but they are not part of government.

Governance is understood as a set of mechanisms and institutions, which are intended to provide efficient monitoring and control over an organisation's strategy and operation. Good governance is not an end in itself. It is a means to create market confidence and business integrity, which in turn is essential for companies that need access to equity capital for long-term investment. Hence, governance provides structural and procedural fundamentals "intended to make sure that the right questions get asked and that checks and balances are in place to make sure that the answers reflect what is best for the creation of long-term sustainable" (Aluchna & Idowu, 2017:24).

Governance is the taking of collectively binding decisions for a community in a community, by governmental and other actors. Governance is thus not reduced to one way of governing, not to a prescriptive formula, and not to something supposedly new. The definition includes a myriad of state forms, diverse models of democracy and markets, and many linkages between public and private parties. Governance includes many actors in shifting relationships. It also includes a wide variety of institutions, both formal and informal, that coordinate interactions, transactions, and the distribution and use of resources. In addition, it includes the various forms of knowledge and expertise upon which governance practices are based (Beunen, Van Assche & Duineveld, 2015:20).

Governance is however not something new. Governing has never been a matter of government alone and the often-mentioned shift from government to governance does not imply that governments nowadays no longer play a vital role. Governance changes all the time and it acquires unique forms in each community. Governance evolves. It is not tied to democracies and it does not bring forth a perfect democracy (Beunen et al., 2015:3).

Governance is defined as "the exercise of political, economic and administrative authority to manage a nation's affairs. It is the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences" (Rondinelli, 2007:7). This definition illustrates the significance that citizens have in government affairs.



In Ghosh and Siddique's point of view (2016:48), liberal democracy is the Western model of good governance. In the last ten years or so, it has been the place of deliberative democracy experiments, which aimed at improving civic participation and engagement with important, often complex and new issues, such as science and technology management, health care, political governance and climate change. This deliberative "turn" in good governance is spreading fast across the globe.

Beunen et al. (2015:4) argue that good governance cannot be a recipe deduced from theory or a set of best practices empirically observed. Governance observes problems and creates problems. It borrows tools, produces tools, and it contributes to the undermining of these tools. It finds solutions and defines what would count as their success. It absorbs stories of a better future and it assembles new visions. Few theories have envisioned governance this way. The Evolutionary Governance Theory (EGT) indicates how understanding governance as entirely and continuously restructuring, allows for new understandings of broader changes in society, and new understandings of the spaces for intervention.

### **2.3.1 Characteristics of good governance**

According to Rondinelli (2007:7-8), the characteristics of good governance are as follows:

- Participation – All men and women should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Such broad participation is built on freedom of association and speech, as well as capacities to participate constructively.
- Rule of law – Legal frameworks should be fair and enforced impartially, particularly the laws on human rights.
- Transparency – Transparency is built on the free flow of information. Processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them.
- Responsiveness – Institutions and processes attempt to serve all stakeholders.

- Consensus orientation – Good governance mediates differing interests to reach a broad consensus on what is in the best interests of the group and, where possible, on policies and procedures.
- Equity – All men and women have opportunities to improve or maintain their well-being.
- Effectiveness and efficiency – Processes and institutions produce results that meet needs while making the best use of resources.
- Accountability – Decision-makers in government, the private sector and civil society organisations are accountable to the public, as well as to institutional stakeholders. This accountability differs depending on the organisation and whether the decision is internal or external to an organisation.
- Strategic vision – Leaders and the public have a broad and long-term perspective on good governance and human development, along with a sense of what is needed for such development. There is also an understanding of the historical, cultural and social complexities in which that perspective is grounded.

For the purpose of the study, good governance can be best described by the aforementioned characteristics and citizens have a role to strive towards influencing the public servants through active citizenship.

Governance is broadly conceived as a form of coordination in the taking of collectively binding decisions within a certain community. Governance is never a matter of a few people taking decisions, even if at first sight there is only a king, a pharaoh, a priest, a dictator, or a small club of billionaires. There are always other actors who need to comply with rules, who need to understand orders, who need to cooperate, to advise, or to make money. There are always people with influence and one can always discern some form of coordination between more than one party in decision-making (Beunen et al., 2015:4).

Gosh's (2009:21) defines governance as the way in which power is exercised in the management of a country's economic and social resources for development. Good governance would need the three arms of government, the executive, the legislature and the judiciary, to have a separation of powers. These three arms should work independently.

The definition of Khan (2018:15) is slightly different from that of Gosh: “Governance is a concept with which to explore the internal processes and workings of the New Public Management (NPM). Governance includes all the processes and individuals in the execution and operations involved in the implementation of a policy. It involves the interaction among different individuals across different cultures. Ethnocentrism and prejudice can stand in the way of understanding the different culture vital to governance.”

### **2.3.2 Theories of Governance and Evolution**

Evolutionary Governance Theory (EGT) emerged from a wide variety of empirical studies on four continents. Theoretically, it incorporates elements from a variety of sources and disciplines, but it singles out three important sources of inspiration: social systems theory, institutional economics, and post-structuralism (Beunen et al., 2015:6).

According to Beunen et al. (2015:7), the term governance is often associated with the supposed shift from government to governance; a supposed change in Western societies from central steering and expert-driven decision-making to more participatory forms of democracy. EGT would argue that there are always forms of participation; that there was always governance. However, in many places, the balance between representation and participation in democracies is found to be wanting, and a new reflection on governance and on participation is called for.

Beunen et al. (2015:7) state that there has been an increasing interest in the inclusion of various actors beyond government in collective decision-making, and in the making of policies, plans and laws. Public administration, management, political science, spatial planning, sociology, social work, development studies, community development, environmental studies, and applied anthropology are all fields of inquiry where the call for more participation, more ‘governance’, more engagement, for being more community-based, was heard. Many analyses of participation came quickly to normative assessments, or simply started from a supposed lack of participation and a supposed lack of governance, as the root cause of community problems.

### **2.3.3 Sustainable Governance**

Ghosh and Siddique (2016:102) state that the term 'sustainable governance' denotes governance that is just for pursuing uninterrupted water and agri-based sustainable development in a country's geo-environmental and cultural conditions. Sustainable development, as Rogers et al. (2012:23) state, means "to leave everything in a pristine state, or return to its pristine state; develop not to overwhelm the carrying capacity of the ecosystem; and leave future generations with the sustainability prospects of the present".

Governance is the jugular vein of a nation. It is meant to influence social changes through its "mechanisms and instruments", steering a country in a preordained direction (Lafferty, 2004:5) and hopefully contributing to sustainable development. Lafferty (2004:5) further indicates that the icon of governance sits on the top rung of the development ladder to materialise the processing of "social engineering for sustainable development". A major component of governance is the use and development of resources, including human and natural; hence, it is a crucial aspect of sustainability (Ghosh & Siddique, 2016:103). Hence, good and just governance is crucial for humankind to "live on renewable income and not to deplete natural capital" (ibid.). There are clear limits on the exploitation of finite or limited resources and the principle that can induce humans to adhere to these limits as good and just governance (Ghosh & Siddique, 2016:103).

Good governance is a key concept of this study and its essence is that, for a government to thrive in all aspects, citizens must take responsibility for their actions. Good governance inspires citizens to be patriotic and loyal to a government. However, citizens' actions can also collapse good governance and hinder progress.

### **2.4 Governance and Politics**

Hague and Harrop (2004:3) define politics as the activity by which groups reach binding collective decisions through attempting to reconcile differences among their members. The four significant points in defining politics, according to Hague and Harrop (2004:3), are as follows:

- Politics is a collective activity, involving people who accept a common membership or at least acknowledge a shared fate.
- Politics presumes an initial diversity of views, about goals or means or both.
- Politics involves reconciling such differences through discussion and persuasion.
- Political decisions become the authoritative policy for a group, binding members to agreements that are implemented by force if necessary. Politics scarcely exists if decisions are reached solely by violence, but force or its threat, underpins the execution of policy.

Politics concentrates on countries, political parties, political classes, the political system, political democracy, and political power distribution (Lopez-Varela, 2016:216). Politics can also involve narrow concerns taking precedence over collective benefits when those in authority place their own goals above those of the wider community (Hague, Harrop & McCormick, 2016:7). According to Dryzek et al. (2017:15), politics is about how to reconcile and aggregate individual interests and takes place under a neutral set of constitutional rules.

Hague and Harrop (2004:3) define governance as an activity, process, or quality of governing. The term directs the attention away from the institutions and powers of government towards the task of public regulation, a function which government may share with other actors.

Hague and Harrop (2004:3) make comparisons between governance and government. Governance is more abstract than government, denoting an activity rather than an institution. Pierre and Peters (in Hague and Harrop, 2004:3) state, “Governance is ‘a notoriously slippery concept’”. The word encourages us to focus on the wide range of actors involved in regulating modern societies. Depending on the sector, these actors might include employers, trade unions, the judiciary, professional employees, journalists, and academics.

Hague et al. (2016:3) elaborate on the comparison between government and governance. In their view, government refers only to the highest level of political appointments: to presidents, prime ministers, legislatures, and others at the apex of power. However, in a

wider conception, government consists of all organisations charged with reaching and executing decisions for the whole community; whereas, governance, refers to the full range of actors involved in government. However, where the phrase political system suggests a static account based on organisations, the idea of governance highlights the process and quality of collective decision-making, with a particular focus on regulation. The emphasis is on the activity of governing, rather than on the institutions of government (Hague et al., 2016:5).

## **2.4.1 Political role in governance**

### **2.4.1.1. Governing the Economy**

The success of states in maintaining sovereign authority and control over their people is affected by their ability to ensure that enough goods are produced and services delivered to satisfy the needs and demands of their populations. Citizen discontent with Communist states' inadequate economic performance was an important reason for the rejection of Communism and the disintegration of the Soviet Union and its allies in Eastern Europe in 1989. In contrast, China's stunning success in promoting economic development has generated powerful support for the Communist regime in that country (Kesselman, Krieger & Joseph, 2016:13).

Pursuing effective economic performance tops most states' political agenda, and "governing the economy", how a state organises production and the extent and nature of its intervention in the economy, is a key element in its overall pattern of governance. The core of governing the economy involves the strategies that states choose to improve economic performance, deal with economic crises, and compete in international markets. A key contrast between various strategies is the relative importance of private market forces versus a government's direction for the economy (Kesselman et al., 2016:13).

### **2.4.1.2 The Democratic Idea**

One of the most important and astonishing political developments in recent years has been the rapid spread of democracy throughout much of the world. There is powerful evidence of the strong appeal of democracy, that is, a regime in which citizens exercise substantial control over the choice of their political leaders and the decisions made by

their governments (Kesselman et al., 2016:16). Dryzek et al. (2017:384) elaborate on democracy, stating that it is a response to politics: it is one way that collectivities can organise conflict and make political decisions.

Democracy may appeal to citizens in authoritarian nations because democratic regimes often rank among the world's most stable, affluent, free, and cohesive countries. In some cases, a regional demonstration effect occurs, in which a democratic transition in one country provokes democratic change in neighbouring countries (Kesselman et al., 2016:16).

#### **2.4.1.3 The Politics of Collective Identities**

In many long-established democracies, the political importance of identities based on class membership has declined. Economically based sources of collective identity do remain significant in influencing citizens' party affiliation and preferences about economic policy, and how the economic pie is divided and distributed. Especially in this era of austerity, the struggle over who gets what and who decides who gets what can be fierce. Indeed, these days class politics is making a comeback. But contrary to earlier predictions, in many countries non-class identities have assumed growing, not diminishing, significance. Such identities are based on a sense of belonging to particular groups sharing a common language, region, religion, ethnicity, race, nationality, or gender (Kesselman et al., 2016:17).

The politics of collective political identity involves efforts to mobilise identity groups to influence political outcomes, ranging from the state's distribution of benefits to economic and educational policy, the basis for political representation, and even territorial claims. Identity-based conflicts appear in most societies. Politics in democratic regimes (and, often in a more concealed way, in authoritarian regimes as well) involves a tug of war among groups over relative power and influence, both symbolic and substantive. Issues of inclusion, political recognition, representation, resource allocation, and the capacity to shape public policies, such as immigration, education, and the status of minority languages, remain pivotal in many countries (Kesselman et al., 2016:17).

The relevance of collective identities is that both governance and politics will merely exist without citizens and their participation. This section further highlighted key aspects that indicated the inseparable relationship between citizens and their role in the concept of governance and politics.

## **2.5 Patriotism versus Nationalism by the Citizens**

In this section of the chapter the concepts of patriotism and nationalism will be discussed.

### **2.5.1 Patriotism**

The Stanford Encyclopaedia of Philosophy (in Spahiu, 2017:31) defines patriotism as a special concern for one's country's wellbeing, identification with one's country, and love for one's country. Patriotism is necessary for a country to flourish. It is completely rational and legitimate for one to be loyal to their state, as being loyal and wanting the best for one's country and its people is the basis of progression. Being patriotic allows one's own country to flourish, overcome obstacles, and achieve what is best for it and its citizens.

Patriotism is the expression of nation-ness that can emerge in various contexts, mostly imperial ones. Nation-ness is a narrative quality of identification connected to the use of the "homeland" as a political argument. This type of narration appears as political temporality in the form of history (Mestyán, 2017:3).

Sable and Torres (2018:20) define patriotism as a devotion to one's country; in modernity, this means devotion to a nation-state. Cosmopolitanism is referred to as commitment to universal norms, which transcend national allegiance and entail a willingness to subordinate devotion to one's own to those norms. In addition, civic virtue is referred to as the qualities needed by citizens to sustain the polity, whether these are grounded in universal norms or specific commitments to their particular communities.

Merry (in Haynes, 2010) defines patriotism as "a special affinity one has toward her homeland (or, adopted homeland) which fosters a deep psychological attachment and pride". This attachment and/or pride may manifest itself in many ways. For instance, it may lend itself to ethnocentrism, though it need not, but it is likely to encourage one to



view his/her homeland as an inherently more desirable place to live relative to other places.

Haynes (2010:3) elaborates on patriotism, saying that it just as often inspires a profound emotional response in individuals who extol their country's founding principles and its anthems that proclaim its virtues. In addition, patriotism is identified as a disposition of uncritical support for the current political leadership and its ambitions and actions.

Patriotism however means different things to different people. For some people, it is indistinguishable from nationalism, and may require a ready defence of a nation's honour, whether in word or in deed. For example, in the first instance, a patriot may commend the memory of those who fought and died for the homeland, and in the second instance, a patriot may take up arms either to honour the memory of those who went before or to ensure the possibility of future freedom (Haynes, 2010:2).

Redfern (2017:523) asserts that citizens' democratic and open economy institutions accelerate internal development, considering all the positive modern trends in the world, and consolidating society based on traditional values and patriotism. Thus, it can be argued that civic virtue is the term which mediates patriotism and cosmopolitanism, defining their normative and practical limits (Sable & Torres, 2018:20).

### **2.5.2 Nationalism**

According to Hoffman and Graham (2016:262), nationalism is a theory of political legitimacy, which requires that ethnic boundaries should not cut across political ones, and, that ethnic boundaries within a given state, should not separate the power holders from the rest.

Gellner (in Hoffman & Graham, 2016:262) defines nationalism as a doctrine invented in Europe at the beginning of the nineteenth century. Briefly, the doctrine holds that humanity is naturally divided into nations, that nations are known by certain characteristics which can be ascertained, and that the only legitimate type of government is national self-government. Elie (in Hoffman & Graham, 2016:262) states, "Nationalism means the sentiment of belonging to a community whose members identify with a set of symbols, beliefs and ways of life and have the will to decide upon their common political

destiny". The sociologist Ernest Gellner and the historian Eric Hobsbawm (Brown et al., 2001:5) consider nationalism as "primarily a principle which holds that the political and national unit should be congruent".

Nationalism has been a powerful force in modern history. It arouses strong feelings – for some, nationalism is tantamount to racism, but for others, nationalist sentiments create solidarity and stability, which are preconditions for freedom. These two perspectives are informed by history: in its extreme form nationalism has been at the root of genocidal policies, and yet it has been the basis of liberation movements in such regions as Eastern Europe, Africa, and Asia (Hoffman & Graham, 2016:261).

Nationalism is a complex and diverse ideology that can be subjected to a variety of typologies. One of them is the distinction made by experts between civic or political nationalism and cultural or ethnic nationalism. The concept of the nation is coupled with a universal recognition of both individual rights and the sovereignty of the people within the nation, and with the notion of popular freedom, which individuals are ready to defend, even at the cost of their lives (Brown, Cote Jr & Lynn-Jones, 2001:5).

The scholarship on nationalism shows how national commemorations and holidays contain all the necessary ingredients for generating and reproducing the collective awareness of national belonging. Public spaces, adorned with the symbolic accoutrements of the nation – the flags, banners, songs and speeches, and the pantheon of national heroes etched in the plaques, statues and monuments that form the backdrop for such events – "provide explicitly national parameters to facilitate the organisation and experience of national solidarities" (Tsang & Woods, 2013:39).

Tsang and Woods (2013:39) further expand on nationalism as an intensely felt bond of solidarity. However, Fox and Miller-Idris (in Tsang & Woods, 2013) and others note, in the day-by-day experience of modern people, national identity is a matter of routine. Most of the time, nationalism is low strength; latent, but far from the thoughts and feelings of most people. Young, Zuelow and Sturm's (2007:2) point of view on nationalism is that nationalism in a global era is the persistence of nations providing an interdisciplinary and varied exploration of why nations have continued to be vibrant and strong social cohesive.

### 2.5.3 Comparisons between Patriotism and Nationalism

Researchers often confuse patriotism with nationalism. According to Spahiu (2017:28), the variance between nationalism and patriotism is the disparity between the terms rational and irrational. When a nation and its people have rational nationalistic beliefs, it is viewed as a positive impression. This positive impression is then linked to the term patriotism. Conversely, when a nation and its people partake in irrational nationalistic beliefs, it is then a negative impression. This negative impression is then linked to the term nationalism. This difference between the terms is what makes nationalism dangerous and patriotism the opposite (Spahiu, 2017:28). What this section aims to do is to shed light on the factual meaning of each term to distinguish between nationalism and patriotism.

According to Mestyan (2017:2), a clear distinction between patriotism and nationalism exists. Modern nationalism is typically defined as an ideology of solidarity, organised around the idea of “the nation” in a sovereign political unit; whereas, patriotism, by contrast, is an ideology of solidarity associated with the political use of the “homeland” without the explicit demand for a sovereign polity. Mestyan (2017:2) states that both can be mass phenomena for which intellectuals and political elites articulate the core ideas; their practices are similar.

Furthermore, patriotism has generally been considered positive, but nationalism has a darker reputation. Nationalism flourishes in the sphere of competition and opposition. A patriot would die for the homeland; a nationalist would purify the nation. This is admittedly oversimplified, and there have been calls to forget patriotism altogether, but this distinction allows researchers to discuss the patriotic idea at a particular historical juncture (Mestyan, 2017:3).

Nationalism is distinguished from patriotism in that the latter only encompasses feelings of support for, loyalty to or belief in a nation, whereas the first also refers to an organised political doctrine and movement, which is aimed at the political self-determination of the nation. Patriotism, also defined by some as proto-nationalism, was operative earlier in history, certainly during the medieval period. Although some people see nations as having

existed for millennia before the modern era, this view is not widely held (Brown et al., 2001:5).

Patriotism can precede nationalism, but it can also instantiate a muted nationalism within an imperial framework that makes allowance for a type of federal state. Nationalism begins when the patriotic ideas and experiences of a particular group are articulated in conjunction with arguments for an independent polity. When such a polity is attained, the ideology transforms into a state “theory of political legitimacy. There is nothing idealistic about patriotism” (Mestyan, 2017:3).

Nationalism and patriotism have distinct definitions; yet the terms tend to be confused with one another, therefore, losing their individual original meaning. Overall nationalism is a political ideology with a cultural doctrine in the centre. If people of a nation have an irrational commitment to their country, then nationalism is an extremely dangerous creed. However, if people of a nation have a rational desire to preserve and promote their culture, identity and autonomy, it is considered to be patriotic. This coherent desire and need is the epitome of not only patriotism, but rational nationalism as well (Spahiu, 2017:32).

The definitions and variances of the concepts of patriotism and nationalism have tremendous significance in the study. Their relevance in the study is that they are a conjunction through which the researcher links the citizens’ responsibilities and obligations in governance.

## **2.6 Human rights and subjective entitlement of Citizens**

Gauga (2016:319) defines human rights as those rights to which an individual is entitled by virtue of his/her status as a human being. While civil, political, and social-economic rights are dependent on an individual's status as a citizen of a particular state; his/her human rights are not determined by this condition. Thus, the scope of human rights is very wide. They set the standards for the provision and expansion of civil, political, and social-economic rights.

The idea of rights provides an essential tool of analysis of the relations between the individual and the state. The state claims authority over an individual, but when the state is viewed as an instrument of society, it is essential that the authority of the state is made

to depend on the function it performs. In other words, when the state is regarded as a means, and the individual as the end, the state cannot be armed with absolute authority over the individual. If the state claims authority, the individual must claim rights. The individual owes allegiance to the state and obeys its commands because the state serves his/her interests. What does the individual claim from the state? An answer to this question will elucidate the concept of rights (Gaubá, 2016:320).

Rights are, therefore, correlative with duties or 'functions'. Man is entitled to rights to enable him/her to make his/her contribution to the social good. Function is implicit in rights. The concept of rights postulates that the state as well as the individual shall pursue the ideal objects of society. Accordingly, the duty of the individual is co-extensive with the duty of the state. If the state fails in its duty, it is the duty of the individual to resist the state (Gaubá, 2016:332).

The demands of accountability and the value of equality in citizens' social relationships are because of legitimate entitlements citizens have by virtue of their citizenship status (Santoro & Kumar, 2018:6). Santoro and Kumar (2018:56) further suggest that the injustice of corruption does not primarily consist of disrupting the demands of accountability and the value of the equality of citizens in their social relationships, but of interfering with the legitimate entitlements citizens have by virtue of their citizenship status.

Gerston (2014:9) views society as an arrangement consisting of entitled and unentitled people. People may be citizens on paper, but for many people the lack of opportunity to succeed renders them second-class citizen status. Whether disaffection occurs from those at the bottom or the top, whether individually inspired or corporately conspired, this is the crisis that confronts everyone in the 21st century – a crisis of abandoned citizenship. The more these feelings grow, the more precarious the future of South Africa becomes (Gerston, 2014:9).

According to Chatterjee (2006:68), in recent years, new literature has emerged that seeks to expand the narrow economic focus of the analysis of involuntary resettlement. It includes elements such as landlessness, joblessness, homelessness, marginalisation, food insecurity, increased morbidity and mortality, loss of access to common property,

and social disarticulation, as some of the consequences of displacement, states Chatterjee (2006).

An interesting conceptual move that has tried to reorder the numerous ad hoc and paralegal solutions in the modern area is the distinction between rights and entitlements. Rights belong to those who have proper legal title to the lands or buildings that the authorities acquire; they are proper citizens who must be paid the legally stipulated compensation. Those who do not have such rights may nevertheless have entitlements; they deserve not compensation but assistance in rebuilding a home or finding a new livelihood. The problem remains, however, of how these different kinds of rights and entitlements are to be identified and validated and how to ensure that the compensation or assistance reaches the right people (Chatterjee, 2006:69).

The correlation between human rights as a concept and the research topic is that often citizens' roles and their own rights and those of the people they share a space with must guide responsibilities. Moreover, the main objective of discussing the theoretical framework of this concept was to provide clarity in terms of the definitions and theories of the human rights of participating citizens.

## **2.7 Citizens' democratic roles and obligations**

The citizens of well-functioning democracies enjoy greater freedom, wealth, and human development than citizens of non-democracies, and they experience less violence, deprivation, and domination. Although these goods have many antecedents, democratic institutional arrangements and practices are among the most important (Dryzek et al., 2017:381).

Osafo-Danso (2015:12) refers to democracy as both the minimalist and deliberative conceptions of democracy, where democracy includes but is not limited to free and fair elections, citizens' participation in political discourse, the rule of law, political, social, and economic equality, freedom of religion and association, freedom of the press, an independent judiciary, separation of powers, and the existence of checks and balances among the various branches of government. Dryzek et al. (2017:15) emphasise that

citizens' rights are accompanied by obligations on the part of their holders to respect the rights held by others, and duties to the government that establishes and protects rights.

Hoffman and Graham (2016:105) describe a democracy as a more realistically defined political method by which politicians are elected by means of a competitive vote. The people do not rule: their role is to elect those who do. Democracy is a system of elected and competing elites (ibid.). On the other hand, Hague et al. (2016:5) state that democracy at a minimum requires representative government, free elections, freedom of speech, the protection of individual rights, and government by 'the people'. However, the precise meaning of these phenomena remains open to debate.

The concept of democratic governance in contemporary politics transcends international boundaries. Irrespective of the kind of regime in place in a nation-state, it is common to witness political leaders lay claim to democracy as the bedrock of their government. This has perpetuated the popularity of democracy as a system of governance around the world (Osafo-Danso, 2015:6).

Dryzek et al. (2017:15) opine that the liberal-representative model of democracy primarily sees citizens' obligations in terms of obeying the law and playing a political role by voting in elections. Beyond that, the liberal citizen can just get on with pursuing their lives. However, democracy, in the eyes of many contemporary theorists, does not make sufficient demands on its citizens; or does not have a sufficiently expansive or challenging conception of citizenship, which might stretch, as well as capture, citizens' imaginations.

In the conventional view of Achem and Bartels (2016:1), democracy begins with the voters. Ordinary people have preferences about what their government should do. They choose leaders who will do those things, or they enact their preferences directly in referendums. In either case, what the majority wants becomes government policy – a highly attractive prospect considering most human experience with governments. Democracy makes the citizens the rulers, and legitimacy derives from their consent (ibid.).

However, the views of ordinary citizens provide intimations that not all is well with democratic theory. Despite their conventional obeisance to the civic religion, significant doubts have emerged (Achem & Bartels, 2016:8). Achem and Bartels (2016:17) add that

democracy is the justifying political ideology of the modern era. It is however difficult for us to recognise the intellectual constraints and contradictions entailed by our own preconceptions and normative commitments to it.

In Medearis' point of view (2015:52), there seems to be a need to conceptualise democracy, not behind walls, but actively engaged with threatening forces – a theory not satisfied with viewing democracy in terms of just one social role, that of the citizen, not just focused on decision, narrowly, but on action, extensively; a view of democracy that emphasises power, comprehensively, not just in one of its manifestations coercion; a view of democracy that is not bisected by the distinction between ideal and non-ideal or between democracy and democratisation. Combined with democracy as principled citizen-relations, or democracy as ideal decision making, the ideal/non-ideal approach can also impose a sharp contrast between competing sets of behaviour rules for political actors, a chasm between conditions under which rigorous ideal standards of conduct apply, and others under which such standards lose their force entirely (Medearis, 2015:52).

Medearis (2015:68) further stresses that democratic theory is about action and its consequences, not just about thought and discussion. It treats democracy not as an ideal but as an existing practice, and a possibility to be valued in the here and now, a good to be understood in relation to constant difficulties and threats.

### **2.7.1 Deliberative democracy**

Deliberative democracy is a sub-concept that is relevant to the South African political landscape and the systems of governance. Since the later days of the National Party government, to date, deliberations were the most common mechanism used by civil groups, labour unions and political parties to merge structures like political parties, wage increments negotiations and resolve conflicts. In a democratic South Africa, citizens can express their opinions and grievances through deliberations. The following paragraphs will expatiate on the definitions and description of deliberative democracy, as well as its relevance to the topic.



Ghosh and Siddique (2016:48) describe deliberation democracy as decision making by discussions among free and equal citizens and a response to the need to change the way governments engage with the community. Its techniques and procedures, such as citizen juries, Word Cafés, 21st Century Town Meetings, deliberative polls, scenario workshops and consensus forums are all based around deliberation, a process that Gambetta (in Ghosh & Siddique, 2016:48) describes as a conversation during which individuals speak and listen consequentially before making a collective decision.

People in a democratic society follow principles, such as respect, and the right to speak and dialogue, and they base deliberative democracy on decision-making through public deliberation, which affirms the need to justify decisions made by citizens and their representatives (Gutmann & Thompson, 2004:3). Ghosh & Siddique (2016:48) point out that for each participant the deliberative process starts from a private reason, often linked to deep beliefs, and moves to a high standard of public reason.

The stability and effectiveness of political systems are strongly dependent on their public acceptance and lawfulness, according to Jots and Major (in Gosh & Siddique, 2016). The legitimacy of deliberative democracy, as opposed to voting or public consultation, assumes that randomly selected community representatives can freely and openly deliberate complex issues, provided they are given relevant information from experts. They pay respect to the pluralities of views and aims, and they are equal in the process – each one of them can put forward proposals as well as criticise or offer support to proposals by others without being bound by existing power hierarchies within society (Ghosh & Siddique, 2016:51).

### **2.7.2 Models of democracy**

According to Habermas (in Jarvis, 2009:168) there are three normative models of democracy: liberal, republican, and deliberative politics based upon the theory of communicative action.

### **2.7.2.1 Liberal democracy**

Eatwell and Goodwin (2018:72) define liberal democracy as a system in which citizens participate by voting for a representative who usually comes from a political party and where the scope of government is limited by liberal freedoms and the rule of law.

Liberalism is a principle of politics, which insists on the liberty of the individual as the primary goal of public policy. Liberty, in this sense, implies freedom from restraints – particularly, from the restraints imposed by an authoritarian state. This principle was evolved in the West in the late seventeenth century to liquidate the feudal privileges of the land-owning class and to create favourable conditions for the new entrepreneurial class to enable them to contribute to social progress (Gaubu, 2016:25).

The state is programmed by the interests of society. Individual citizens have rights and freedoms that are protected by the government if they pursue their interests within the framework of the law. These rights include political ones so that the citizen can determine whether the government acts in his/her best interests, but the law determines which citizen is entitled to what rights, and the legal order is conceived of in terms of individual rights (Jarvis, 2009:168).

Eatwell and Goodwin (2018:76) highlight the interlocking features of liberal democracy. First, it accepts popular sovereignty, that only the people can legitimately authorise governments. Second is the provision for equal citizens to freely and regularly elect their representatives to govern, usually from a political party. The third is the idea of limited government, which is curtailed by checks and balances and backed by the rule of law to protect liberal freedoms such as free speech or worship (ibid.).

According to Reddy's (2017:11) viewpoint of South Africa's liberal democracy, unlike the elites, the masses practice a mode of politics in which they are key participants of mobilised protest but remain loyal supporters of the governing party. This mode of politics assesses the limits of liberal democracy and reveals the contradictions expressed in its politics. By examining salient examples of mobilised politics, it is affirmed that liberal democracies must radically confront the histories and legacies of settler colonialism, and the historical production of subject identities under conditions of violence so that citizens can see and interact with each other on equal terms. Reddy (2017:11) further argues that

the fundamental restructuring of established property relations and fostering conditions in which 'the other' is recognised within oneself forces citizens to think of an alternative modernity.

### **2.7.2.2 Republican or communitarian democracy**

Jarvis's view (2009:168) on communitarian democracy is that citizens are politically responsible within a community of free and equal members, and their rights are dependent on the law that has priority over individual rights. In this sense, sovereignty is to be found in constitutional law. At the heart of this position lies the need for the formation of political opinion and the will to act in the public sphere, and those in power are expected to respond to this public debate. In this debate, the people exchange views and make their opinions known in such a way that it affects the exercise of power (Jarvis, 2009). Dryzek et al. (2017:20) state that republicanism predates liberalism by two thousand years, and emphasises active citizenship, civic virtue, and the pursuit of public values, not the private interests associated more with the liberal tradition.

Putting society first means that the communitarian has an ethical responsibility that might be considered both a strength and a weakness of the republican position since self-interest is a dominant phenomenon in the lives of many citizens (Jarvis, 2009:169). However, the realism of this position is that citizens acquire from the outset a sense of social identity as well as one of self-identity that is not so apparent in liberalism. In theory, the market is subsidiary to the political debate but if the public sphere is weakened, it is possible to see how economic power can play a significant role and the market assume a dominant place. At the same time, Jarvis (2009) states, the strength of this approach lies in the rational discourse of ethical self-understanding.

Niederberger and Schink (2015:93) describe the republican theory of freedom from an interpretation of the history of Anglo-European political thought that sharply distinguishes liberal from republican conceptions of freedom. Liberalism seeks to free individuals from direct forms of interference, from actual constraints, physical impediments, and so forth. Republicanism, on the contrary, upholds the broader, more robust, normative standard of freedom from domination (ibid.).

### **2.7.2.3 Deliberative politics**

Deliberative politics' model is based upon Jarvis's (2009:170) theory of communicative action and the ideal speech act, which we discussed when we examined discourse ethics. At the heart of this model of democracy is discourse through which, Habermas claims, rational results can be produced. The strength of this position is that it combines both the possibilities of the fairness that lies in liberalism with the community's sense of self-understanding and justice. In a sense, it seeks to combine both human rights with the communitarian spirit of the republican position and provides procedures through which public debate can take place.

The concept of citizens' responsibilities and obligations is the most relevant concept when compared to the rest. The concept emphasises the role of citizens and the importance of active citizens to conduct actions with responsibility and accountability.

### **2.8 Political partisans and interest groups**

Notwithstanding the important distinctions between party, interest group and social movement, it follows from the description that one can be a partisan even if one is not formally a member of a party organisation. At the core of the efforts of partisans is an organisation within which partisan practices find a dense and coordinated form (White & Ypi, 2016:28). Yet, these authors (2016) state, partisanship as a practice need not always follow closely the contours of party membership: it may extend beyond the face-to-face contacts of membership to a broader network of political activists seeking to advance the same goals, even in the absence of formal attachments.

White and Ypi (2016:41) further explain the concern with civic order, and the idea that partisan divides risk fuelling destructive conflict unless they find a place in a political system that accommodates the differentiated parts of the citizenry. Citizens, who decide to participate in politics via political parties, have special political obligations, that is, special moral duties to obey the laws of their state. It is claimed that such duties can be justified by appealing both to the idea of consent and to the idea of fair play, but that the latter offers more comprehensive foundations for an account of partisan political obligations (Bonott, 2017:19).

Bonott (2017:17) adds that the benefits of partisanship are greater for those partisans who enjoy special advantages due to their position within society. This generates stronger partisan political obligations for them. As Rawls (in Bonott, 2017:17) highlights, “The better-placed members of society are more likely than others to have political obligations or by and large it is these citizens who are best able to gain political office and to take advantage of the opportunities offered by the constitutional system”.

Rawls (in Bonott, 2017:17) expresses a point that justifies ascribing stronger political obligations to those partisans who enjoy greater benefits than others because of their participation in party politics. For example, a party leader who enjoys high political visibility and strong influence upon decision-making derives greater benefits from the political party they belong to.

In Bonott’s (2017:18) point of view, partisans who enjoy lesser benefits have weaker partisan political obligations overall. Their fair play political obligations may be weaker, but, in most cases, these partisans will also have a moral obligation to comply with the positional duties of partisanship based on their voluntary decision to engage in party politics.

Partisanship needs an organised party at the centre of it, to give it shape, continuity, and executive capacity, but at the same time the organisation draws strength from those who are more loosely aligned, yet who are considerably more engaged than mere ‘supporters’. Just as activists need the enduring organisation of the party to be successful, members benefit from the non-membership of others allied to their cause, and each may develop obligations to the other (White & Ypi, 2016:30).

Partisan fair play political obligations do not arise when partisans operate under excessively unjust regimes, that is, regimes that pursue immoral goals or in which the benefits and burdens of partisanship are distributed excessively unfairly (Bonott, 2017:26). We have already said that it is difficult to establish precisely where the threshold of excessive injustice lies.

According to Davis (2017:17), partisan is identified as “an affective attachment to an important group object in the environment”. This emotional affinity for a party is described

as both durable and encompassing, and, to the extent that these preferences are socialised in the home, partisan identification is presumably stable over the course of an individual's lifetime.

Moreover, partisans are more likely to display support for their party by donating, participating in a campaign, or trying to influence the vote of others (Huddy et al. in Darmofal & Strickler, 2019). In addition, evidence suggests that, with polarisation, the majority party is more likely to be punished electorally for low overall approval ratings. Although "fighting against the headwinds of legislative gridlock", strong, polarised parties thus create an incentive to pass policy of which the public broadly approves (Darmofal & Strickler, 2019:6).

Moreover, Ames (2019:34) argues that in long-established democracies, partisanship is an important lens through which citizens understand and interpret the political world, a so called "unmoved mover" that affects the information citizens seek out and their evaluations of government performance.

As opposed to most literature on partisanship in any context, the focus is on positive and negative partisanship, two distinct sets of attitudes central to the third element of partisans, anti-partisans. Much research has focused on positive partisanship, otherwise known as party identification. Party ID is a form of social identity, an affective psychological attachment to a group, and a heuristic that voters use to simplify and make sense of politics. It can shape voters' opinions, motivate their political engagement, and impact their vote choices. When party ID is high, scholars can easily make sense of voting patterns, because people who identify with a party almost always vote for candidates from that party (Ames, 2019:291).

### **2.8.1 Distinction between partisanship and factionalism**

The point of distinguishing between partisanship and factionalism is to understand how the first involves efforts to harness political power not for the benefit of one social group amongst several, but in the name of the people. If the implications of this point are absorbed, a foundation emerges on which to think more systematically about the relationship between partisanship and political justification (White & Ypi, 2016:57).

Factionalism destroys the initial balance of mutual consideration and restraint that characterises the time among citizens where there was no struggle for glory and domination. The emergence of factions brought with it greed without moderation and devastated everything, considered nothing valuable or sacred, until it brought about its own collapse (White & Ypi, 2016:57).

White and Ypi (2016:54) highlight that the difference between factions and partisanship depends on the background circumstances under which different groups operate. Their hostility to partisanship stems from a critique of the accumulation of power, including wealth and office, by self-interested agents who undermine a healthy relation between the whole and its parts. Coupled with this critique is an important emphasis on background constraints required for partisanship to become a vehicle for channelling the general will and to be effectively distinguished from factionalism.

### **2.8.2 Interest groups**

There is a thin line between social movements and interest groups. Social movements emerge and are sustained, apart from traditional, formal political institutions. The difference between social movements and political parties or interest groups is not based primarily on differences in organisational characteristics. This is because social movements are not formal organisations, but are seen principally as networks of interactions, which may include formal organisations, such as interest groups and civil society advocacy groups (Halpin, 2017:28). According to Halpin (2017:35) when groups who fall into the definition of consensus movements or interest groups, rather than conflict-driven social movements, use both direct actions to make claims and frame their agenda and identity in the ways of movement oriented collective action, evidence is produced for this shift of protest being a permanent aspect of modern democratic politics.

According to Jordan and Maloney (2007:2), the modern support for the democratic contribution of groups appears to be twofold. Groups are seen as democratically valuable in offering more effective representation (than parties) and hence securing overall public policy that better fits citizens' preferences. Secondly, the political and social experiences within groups are viewed as democratically relevant. Jordan and Maloney's perception

(2007:2) is that political parties are “damaged goods” as participatory vehicles. Interest groups are regarded as filling this void.

Interest groups excel at capturing the intensity of interest of a fragmented public. In contrast, large parties may be useful in mobilising large numbers but may do so in a way subversive of mature democracy. They over promise the scope for change in democratic contests and frequently seek to attract votes via the demonisation of (party) political opponents (Jordan & Maloney, 2007:7).

Citizens’ demands and wishes should be considered by governments and they should have the opportunity to elect or de-elect political administrations. However, elections are a primary, but inevitably blunt, democratic device – taking place infrequently and being unable to provide parties with detailed and nuanced signals about citizens’ democracy and interest groups preferences. Interest groups play an important secondary and supporting role as an effective “channel of citizen communication and control” (Jordan & Maloney, 2007:8).

The relationship between the concept of political partisans, interest groups and the research topic is that there is a huge reliance by citizens on political parties. The reliance is influenced by socio-economic conditions, such as poverty and unemployment. The trend in South African politics is that political partisans tend to have socio-economic benefits as a reward of being political partisans.

In contrast to political partisans, interest groups often afford citizens a platform to participate in societal activities, where the goal or mission is to serve with no expectations of reward or remuneration. Most of the time, interest groups emerge because of poor service delivery through inadequate governance by elected political parties.

## **2.9 Conclusion**

This chapter laid a foundation for the role and place of citizens in the governance perspective by discussing and exploring the key theoretical concepts. Sub-concepts were defined to construct the basis of the literature and clarify the uncertainties of the study. The historical background and the relevance of the key concepts were also clarified and simplified.



It is evident that this study is shaped by the theories contained in the key concept of 'citizenry', wherein factors like human rights, civic participation and active citizens, and the themes of citizen participation solidify the basis of the framework through which the topic will be researched. Furthermore, citizens' responsible actions have an impact on good governance. The efficiency and effectiveness of the state to progress, as far as governance is concerned, depends on how the citizenry commits to building the future of the country. Good governance encapsulates participation, rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, and accountability.

Inevitably, nationalism and patriotism are significant in that they impact democratic governance through the attitudes, beliefs, and behaviour of citizens. The key summary on nationalism and patriotism is that if the people of a nation have an irrational commitment to their country, then nationalism is a dangerous creed. However, if the people of a nation have a rational desire to preserve and promote their culture, identity, and autonomy, it is patriotic. This coherent desire and need is the epitome of not only patriotism, but rational nationalism as well.

Other key concepts that were unpacked include human rights and subjective entitlement by citizens, which entails that a government has an obligation to make provisions to recognise citizens' rights, where, in contrast, citizens develop a sense of entitlement. By means of citizens' democratic roles and obligations, they have the potential to positively contribute to improving governance. Furthermore, political partisans and interest groups can be summarised as citizens who decide to participate in politics and civil participation via political parties and interest groups, who have special political and civil obligations; that is, special moral duties to obey the laws of the state. The will of and aspirations by citizens in contributing towards good governance and economic progress can be attained when they embrace their roles and responsibilities.

Moreover, the chapter presented the researcher with the opportunity to use the theoretical framework to expand on what has already been researched and explored in terms of the current study in order to lay a foundation for future studies. It further enlightened the

researcher with a broader theoretical conceptual knowledge and understanding regarding the research topic.

This chapter also serves as the foundation for the next chapter, which is titled, The citizen's responsibilities and accountability in good governance. Its focus will be on the theoretical meaning of the responsibilities and accountability of citizens, and on a conceptualisation and comparison between the role of citizens in the context of the South African Constitution and other constitutions.

## **CHAPTER 3: CITIZENS' RESPONSIBILITIES AND ACCOUNTABILITY IN GOOD GOVERNANCE**

### **3.1 Introduction**

The core concept that will be discussed in this chapter is citizens' responsibilities and accountability in terms of good governance. Under the main concept the following concepts will be discussed in detail, namely, the theoretical meaning of the responsibilities and accountability of citizens; the responsibilities of citizens; the accountability of citizens; the obligations of citizens; the effects of citizens' responsibilities and accountability on good governance; the place of citizens in the context of the South African Constitution; and the place of the citizens in the context of other constitutions.

The purpose of this chapter is to deliberate on the concept of citizens' responsibilities and accountability in good governance. Citizens, their responsibilities and their accountability are the core subjects of the study; hence, this chapter aims to elaborate on their significance by discussing and defining the key sub-concepts. Furthermore, this chapter will allow the researcher to align the key concepts to the topic, as well as the research objectives and, in the process, respond to the research problem statement.

Debates about the appropriate role, policies, and institutions of the state are often hampered by the lack of a definition for good government. To provide a quantifiable measure of good government, Huther (in Shah, 2005:6) developed an index for the quality of governance from a sample of 80 countries. The index was applied to the debate on the appropriate level of fiscal decentralisation.

Citizens' accountability and their responsibilities can either have positive or negative effects on governance. In measuring the quality of governance, indices for a government's ability to achieve the following were developed (Shah, 2005:6):

- Ensure political transparency and a voice for all citizens: the citizen participation index measures political freedom and political stability.
- Provide effective public services efficiently: the government orientation index measures judicial and bureaucratic efficiency and the absence of corruption.

- Promote the health and well-being of its citizens: the social development index measures human development and the equitable distribution of income.
- Create a favourable climate for stable economic growth: the economic management index measures outward orientation, independence of the central bank, and an inverted debt-GDP ratio.

### **3.2 Theoretical meaning of responsibility and accountability**

#### **3.2.1 Theoretical meaning of responsibility**

Hobolt and Tilley (2014:9) define attribution of responsibility as a central issue both in politics and in everyday life. It concerns the attempt to identify what factors give rise to what outcomes. People encounter events every day that require explanation and attributional processes are ways to explain the causes of these events. Attribution of responsibility is the act of deciding who or what can be held accountable for such events. Social psychologists have shown that individuals assign responsibility instinctively, and that responsibility represents a powerful psychological cue.

For Thomson and Tapscott (2010:22) the concept of global citizenship shifts rights and responsibilities from a national to an institutional context. For some scholars, global citizenship is not just a key area of research on citizenship, it is of crucial importance to any theorising on the topic. Thus, the emergence of global citizenship action has been widely recognised as having been key to the discourse and practices of democratic politics and social change.

According to McGrath and Whitty (2018:694), responsibility is a duty or obligation to satisfactorily perform or complete a task (assigned by someone or created by one's own promise or circumstances) that one must fulfil, and which has a consequent penalty for failure. Responsibility can also be considered as something that is one's job or duty to deal with; the state or position of being responsible; a person or thing for which one is responsible; or the ability or authority to act or decide on one's own, without supervision (McGrath & Whitty, 2018:694).

Hobolt and Tilley (2014:8) state that to understand people's views of where responsibility lies, one needs to consider both the individual and the political context in which people

live. At the individual level, people rely on a mixture of in-group biases and factual information when forming opinions on whom to credit or blame. At the contextual level, it is not only the complexity of the institutional set-up that affects citizens' ability to allocate responsibility, but also the type of information that is available about institutions and policymaking. Citizens can employ such information to bring their perceptions of responsibility in line with the actual division of governmental responsibility.

### **3.2.2 Theoretical meaning of accountability**

Hobolt and Tilley (2014:7) state that a key component of democratic accountability is that voters hold politicians to account for the actions for which they are deemed to be responsible. This is an illustration that this process works at the national level of government. National governments are punished for poor performance if they are held responsible, especially when a cohesive government is in place.

For Dryzek et al. (2006:391) the more accountability, the more power resides in the vote. Electoral systems matter greatly as they are the principle means citizens have to enforce accountability. Some systems, notably those with single member districts, effectively empower only the votes of winners, and so do a poor job of translating moral equality into political equality.

Whitehead (2003:4) defines accountability as a desirable feature in political systems, so is governmental effectiveness, which often is in tension with accountability. Governments cannot deliver what citizens need if they are so hampered by mechanisms of oversight and sanctioning agencies that they cannot undertake new initiatives. Constitutional crises between powers or challenges to policy decisions by oversight bodies, ombudsmen or lawsuits can undermine a government's effectiveness. Furthermore, governments that are immobilised by oversight mechanisms are sometimes perceived by voters or power groups as being indecisive, ineffective, or inept. Powerful mechanisms of accountability can impede governments from implementing policies that would benefit most citizens; they can give small minorities, even a few individuals in key institutions (e.g., the Supreme Court) veto power over policy changes. At a minimum, mechanisms of accountability impose modest transaction costs (Whitehead 2003:4).

In McGrath and Whitty's (2018:697) definition of accountability "as being liable", liability is stronger than responsibility, carrying some legal force or implication of possible penalty for not doing so, which being called to account comprises and so it clearly distinguishes accountability from responsibility. It also includes the meaning of being made "answerable". Liability implies being held to account anyway and so even though accountability is derived from the word account, its definition, provided it is compatible with its root term, does not actually need to explicitly include these words and, in this case, it would be tautological if it did.

Accountability will therefore be tentatively defined as liability for ensuring a task is satisfactorily done; that is, the obligation of an individual or organisation to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner. It includes the responsibility for money or other entrusted property, a situation in which someone is responsible for things that can happen and can give a satisfactory reason for them (McGrath & Whitty, 2018:697). Moreover, Collins (in McGrath & Whitty, 2018:699) stresses that the state of being accountable, liable, or answerable is a situation in which people know who are responsible for something and can ask them to explain its state or quality.

### **3.3 Responsibilities of the citizens**

In this section, the key responsibilities of citizens will be unpacked. They include the responsibility or duty by citizens to vote, to participate in the growth of the economy, and to maintain law and order.

The aforementioned responsibilities focus on highlighting public participation by citizens. Citizens' participation is, to some extent, realised through evaluations. With increasing frequency, politicians and decision makers call upon citizens to take part in evaluations, either to evaluate ex post (what has happened), or to evaluate ex ante (a proposed course of action). They are called upon either as stakeholders, taxpayers, concerned citizens or victims/beneficiaries of an action that has been taken or is proposed. They are called upon with different aims in mind: listening, learning, influencing, or creating new options. Evaluations therefore form an increasingly important forum for citizen participation in

policy and decision making within a representative democracy (Organisation for Economic Cooperation and Development, 2008:30).

### **3.3.1 A duty to vote**

According to Fowkes (2016:51), the historical background of voting in South Africa is that the New National Party arose as the country was gearing up for its second post-apartheid election for national and provincial government. In 1998, Parliament passed a law requiring citizens to have new, barcoded identification documents in order to vote, and in order to register to vote. Several million South Africans, at the time of the law's passage, were unable to meet this requirement; about half because they had various older documents without barcodes, and about half because they had no identification documents at all.

Elections are seen as a pillar of democracy, enabling voters to elect representatives to exercise a public mandate on their behalf. They provide regular deadlines, giving citizens an opportunity to assess the ruling party's performance at the end of a term in office, and to renew their trust in the same representatives or to opt for change (Soleil Frère, 2011:2).

For Brennan (2011:1), voting is morally significant. Voting changes the quality, scope, and kind of government. Additionally, the way the electorate vote can help or harm people. Moreover, electoral outcomes can be harmful or beneficial, just or unjust; they can exploit the minority for the benefit of the majority; or they can do widespread harm with little benefit for anyone.

According to Brennan (2011:43). there are three arguments for voting: the Agency Argument, the Public Goods Argument, and the Civic Virtue Argument. The Agency Argument holds that citizens should bear some causal responsibility in helping to produce and maintain a just social order with adequate levels of welfare. The Agency Argument further asserts that voting is necessary to do this, and the Public Goods Argument holds that non-voters unfairly free ride on the provision of good governance. Failing to vote is like failing to pay taxes; it places a differential burden on others who do the demanding work of providing good government. The Civic Virtue Argument holds that voting is an

essential way to exercise civic virtue, and civic virtue is an important moral virtue (Brennan, 2011).

Paying one's taxes is one of the important duties, or responsibilities, attached to citizenship in a liberal democracy, the other being voting. The emphasis put by neighbourhood associations on the former is doubtlessly linked to the fact that the urban middle classes that they represent do not vote in large numbers, unlike the urban poor (Jaffrelot & Van der Veer, 2008).

Usher (2016:178) draws a distinction between what is called wide and narrow duties to vote. A wide duty to vote is an obligation to vote for the party that seems best for society. A narrow duty to vote is an obligation to vote rather than to abstain, with no additional obligation about who or what to vote for (Usher, 2016).

According to Achen and Bartels (2016:321), every citizen is equal by assumption. Voting is supposed to equalise power: the rich and the poor all have one vote apiece, and they can listen to arguments and vote for their interests equally well; however, this is considered a naive view.

Corder, Federico and Orrù (2014:2) state that the 1994 elections marked the transition from the apartheid regime to democracy. According to Corder et al. (2014:2), a widely accepted criteria for identifying a country as a democracy is fair, competitive and inclusive elections, and South Africa can be regarded as a democracy in this sense.

According to Shah (2005:7), voters should monitor the performance of an individual in office and re-elect the individual if he/she delivers the kind of policies that please them. Proportional representation, in contrast, weakens personal accountability. Voters can judge politicians based on the average performance of all candidates elected from the party list. This gives politicians more freedom to work for their own interests.

Mez and Brunnengräber's (2017:65) point of view on the duty to vote by citizens is that when politicians are seeking re-election, they are sensitive to the public image of interest groups. Any meeting, negotiation, or other form of collaboration with an interest group that suffers from a bad public reputation could reflect on the politician's image – entirely irrespective of the actual content or significance of the collaboration. Politicians therefore



will cautiously pick which interest groups they are willing to recognise. Media coverage and opinion polls but also the opinion of citizens in the electoral district and of party fellows constitute reference points for politicians to evaluate if an interest group is trustworthy in the eyes of the public.

Fortunately, citizens are not limited to individual-level analyses of public opinion and voting behaviour. They can also attempt to assess directly how elections shape democratic politics. Achen and Bartels (2016:45) state that the issue of voting compels parties to adopt policy positions close to those of the median voter, as the spatial theory of elections implies.

Citizens often adapt the media perception of the salience of a problem, yet not necessarily with impact on their voting behaviour. Also issues with less media attention are relevant and can be vital for the electoral outcome. Issues with high media attention shortly before an election assume higher, yet not determining influence, on the voting decision (Mez & Brunnengräber, 2017:139).

According to Dalton and Anderson (2011:83), factual knowledge is relevant, but so too are shortcuts in the form of long-term preferences that match up with the options on an electorate's agenda. Heuristic devices can allow citizens to make political decisions that are both reasonable and efficient. In addition, citizens may know little but still know enough to make decisions as if they were politically informed. Among the myriad pieces of information with which voters might be armed, the critical piece is the one that says something important about the available options.

Achen and Bartels (2016:28) acknowledge that "the image of the electorate which dominates popular discussion" is one of "the people as a free-standing body, with its own indomitable collective opinion". But, in an election, the collective opinion of the people can be expressed only with reference to a very limited menu of alternative party platforms.

Achen and Bartels (2016:30) further state that each citizen's vote plays a role in deciding the election, but "the returns to acquiring political information are so low that many rational voters refrain from purchasing any political information per se". Thus, a sizeable percentage of citizens, including voters, do not become informed to any significant degree

on the issues involved in elections, even if they believe the outcomes to be important. In particular, if citizens are to succeed in voting for the party closest to them, they need to know their own preferences and the platforms of the competing parties regarding “the issues involved in elections” (ibid.) The voters’ own preferences, especially, are often taken for granted in the populist theory of democracy. But, what if voters do not really know what they want? In that case, the folk theory of democracy, and the spatial model, lose their starting point (Achen & Bartels, 2016:30).

Moreover, citizens understand public policy in different ways. During election time, citizens encounter the notorious policy promises in the run up to elections. Some citizens protest a policy and others applaud those they prefer. As citizens, according to Gurtoo and Williams (2015:82), people engage in processes and debates that aim to shape and influence policies.

### **3.3.2 Determining the policies**

The effective participation of citizens in policy making is at the heart of open government reforms and has the potential to renew the relationship between policy makers and citizens. In times of declining rates of voter turnout, and low levels of trust in public institutions and membership in political parties, governments acknowledge the need to move from the role of the simple provider of services towards the development of closer partnerships with all relevant stakeholders (Government at a Glance, 2017:190).

Matias (2016:13) states that the participation in the political life of modern society constitutes the improvement of the individual. The great virtue required of citizens is justified by their responsibility to manage the public good.

Achen and Bartels (2016:320) state that, for the majority of issues that the government decides on, “ordinary citizens” are involved in the policymaking process. Occasionally, politically engaged and well-financed groups of citizens do manage to bend democratic governments to some of their wishes, but such movements are rare. Day to day few such influences exist, as close observers of the policy-making process have long noted. For example, Jacobs (in Achen & Bartels, 2016:320) established that the views of US foreign

policymakers were strongly responsive to elite and expert opinion, but not to the opinions of ordinary citizens.

Mez and Brunnengräber (2017:58) argue that, when protests from citizens put political leaders under pressure, politicians enact policy changes out of vote-seeking or other reasons without being convinced regarding the contents. This can be observed looking at the CCS Act, which was originally initiated by elite circles but then profoundly shaped by vigorous local protests: thus, a mix of protest and political leadership.

According to Achen and Bartels (2016:15), what is not acceptable is that, when ordinary citizens are allowed to shape policy, the results can be distinctly counterproductive. For example, the most careful study known of the impact of direct democracy on public services found that voters in Illinois seized the opportunity to curtail fire district budgets, dangerously degrading the quality of their fire protection and costing themselves more in insurance rate increases than they saved in taxes by doing so (Achen & Bartels, 2016).

Moreover, active participation in decision-making underscores the relevance of building local capacity, a process of training citizens and equipping them with necessary analytical skills. Thus armed, local citizen can make valid contributions in development debates. In fact, experience has demonstrated that participation in decision-making improves the quality, effectiveness, and sustainability of development strategies (Mudacumura & Morçöl, 2014:7). Thus, this capacity-building, enabling grassroots citizens to play major roles in development decision-making processes, is the backbone of the “social dimension” (ibid.).

### **3.3.3 Economic participation**

Citizen empowerment is one of the key measures to be applied to encourage economic participation by citizens. Despite low levels of trust and, in some instances, profound levels of exclusion, citizens engage with and are empowered in a variety of ways when they gain a better grasp and understanding of economics. Patel and Gibbon (2017:13) assert that there is a considerable appetite for participation in initiatives that they consider to be meaningful and responsive to their voices; this, in turn, strengthens their sense of power and willingness to participate in other civic initiatives.

Citizen engagement, when done well, has enormous potential to strengthen the legitimacy of economic decision-making for citizens, economists, and policymakers. Legitimacy is defined as 'the underlying support for any government initiative and the attempts to achieve it. It is influenced by the level of public confidence, stakeholder engagement and political commitment' (Patel & Gibbon, 2017:13).

Mudacumura and Morçöl (2014:7) champion the concept of the social entrepreneur, a notion that is used widely to address a new form of participation in the voluntary sector. From this perspective, social entrepreneurs are characterised as people who can identify needs and opportunities in their community, recruit and motivate others, and thereby build networks and social capital, overcome obstacles and challenges, as well as secure funding and the resources that are needed. This can be viewed as another form of economic participation by citizens.

In addition, the word 'entrepreneur' indicates that these citizens create or innovate something of recognised value around perceived opportunities. The involvement of dedicated social entrepreneurs in enforcing accountability and transparency mechanisms is becoming an important element of democratic governance not only in developed world but also in developing countries. According to Mudacumura and Morçöl (2014:8), it makes perfect sense for governments at different levels to increasingly recognise the urgent need to mobilise and use the knowledge, resources, and energies of empowered citizens in the governing of the complex, fragmented, and multi-layered societies.

Turning to citizens' economic participation, Shah (2005:47) states that this ensures that public goods are consistent with voter preferences and public sector accountability. Such participation is possible only if political freedom is permitted and political stability prevails. This relationship is statistically significant, which suggests that citizen participation and public sector accountability go hand in hand with decentralised public sector decision-making (Shah, 2005:48).

According to Morris (2016:52), South Africans have a strong work ethic. Even against the backdrop of severe unemployment, the spirit of enterprise flourishes. In the industrial cities it is common to see unemployed men and women sitting or standing in long lines

outside factories and companies in the hope of getting a “piece job”, essentially, work for a day or a week.

Although legislation has ensured that more black South Africans are employed, there are still very many South Africans and foreigners without formal employment. It is believed that the country’s unemployment figure is significantly higher than the official statistics state because it does not consider people who have given up looking for work. Notwithstanding this dire situation, the spirit of enterprise is strong. In townships and densely populated inner cities, enterprising vendors set up shop on the sidewalks and in their homes and sell local produce, cheap Chinese goods, knockoffs, photocopied textbooks, and whatever else might turn a profit (Morris, 2016:52). The initiatives of getting involved in enterprising activities by citizens has a positive impact on the country’s economic growth.

**TABLE 3.1 Correlation of Subnational Expenditures with Governance Quality Indicators (Shah, 2005:49).**

Pearson correlation coefficients	
<b>Citizen Participation</b>	
Political Freedom	0.599**
Political Stability	0.604**
<b>Government Orientation</b>	
Judicial Efficiency	0.544**
Bureaucratic Efficiency	0.540**
Absence of Corruption	0.532**
<b>Social Development</b>	
Human Development Index	0.369*
Income Distribution	0.373*
<b>Economic Management</b>	
Central Bank Independence	0.327*
Inverse of Debt to GDP Ratio	0.263
Outward Orientation	0.523**
Governance Quality Index	0.617*
*Pearson correlation coefficient is significant at the 0.05% level (2-tailed test).	
**Pearson correlation coefficient is significant at the 0.01% level (2-tailed test).	

Table 3.1 above suggests that typically decentralised countries are more responsive to citizen preferences in service delivery and strive harder to serve their people than centralised countries (Shah, 2005:49). The table serves to indicate that South Africa as a decentralised country has the prospects of growing the economy through citizen participation, as illustrated.

### **3.3.4 A responsibility to maintain law and order**

In this section the contribution of citizens in dealing with issues ranging from corruption to the mismanagement of public funds will be discussed. According to Harcourt (2016), maintenance of law and order can be defined as the orderly arrangement of society in

which people follow laws and are not disruptive, as well the strict enforcement of laws, especially by police action.

Governance as a paradigm is shifting the role of citizens from passive to active participants in democracy. Democracy is here conceived as a regime or a system of government in which rulers are held accountable for their actions in the public domain by citizens acting indirectly through the competition and cooperation of their representatives (Mudacumura & Morçöl, 2014:1).

#### **3.3.4.1 The contribution of citizens in curbing corruption**

According to Hope (2017:2), corruption is a crime. It involves behaviour on the part of officeholders or employees in the public and private sectors, in which they improperly and unlawfully advance their private interests of any kind and/or those of others contrary to the interests of the office or position they occupy or otherwise enrich themselves and/or others, or induce others to do so, by misusing the position in which they are placed. More simply put, it comprises the misuse of entrusted power or responsibility for any private benefit of self or others (Hope, 2017:3).

The principal types of corruption existing in most African countries are:

- Bribery, kickbacks, and facilitation payments;
- Embezzlement, theft, and fraud;
- Offering or receiving of an unlawful gratuity, favour, or illegal commission;
- Favoritism, nepotism, patronage, and clientelism;
- Money laundering; and
- Conflict of interest/influence peddling.

Furthermore, corruption increases the cost of doing business. In addition to its social costs, it has an adverse impact on a country's business and investment climate. The need to fight corruption is universally acknowledged, and many governments have put comprehensive legal systems in place to do so. However, enforcement remains inadequate, with some notable exceptions. This could change, as governments in Asia and the Pacific increasingly understand the importance of fighting corruption to foster

economic prosperity (Organisation for Economic Co-operation and Development, 2008:31).

According to Hope (2017:4), in most other African countries corruption is persistent, and it represents a systemic failure of governance where the principal institutions responsible for ensuring public accountability, the observance of ethics and integrity standards, and enforcing the rule of law are compromised and may themselves be infested with corrupt individuals and syndicates. The result is that a chain environment of personal and collective impunity prevails and corruption therefore runs rampant. It further leaves citizens helpless and frustrated and leads to activism on the part of nongovernmental organisations (NGOs) and donors to advocate on behalf of the citizens for measures to tackle corruption (Hope, 2017).

Citizens of the global community are showing less tolerance for corrupt public officials. The current information and communication technologies have created an environment in which the demand for an accountable government is intensifying as noticed with the allegations of state capture by the Guptas (Mudacumura & Morçöl, 2014:3).

Teachout (2014:45) argues that citizens have duties to the state that depend upon their position, and that failure to perform those duties is, within this structure, corruption. Individuals must attempt to put the state's interest first; and, to remain free of corruption they must guard against efforts to influence them. Moreover, Teachout (2014:46) asserts, citizens have a duty to elect "principled men" or "the government will soon be corrupted; laws will be made not for the public good so much as for selfish or local purposes", which will lead to the "rights of the citizens" being "violated or disregarded".

According to the Organisation for Economic Co-operation and Development (2008), in many parts of the world, continuing governance failures suggest that governments have yet to embrace the economic case for combating corruption wholeheartedly. The task of ensuring that they do so falls to an alliance of different interests: anti-corruption specialists, business associations, individual companies, and individual citizens. There is an economic case for tackling corruption. Ultimately, there is a political one as well and without being partisan in a political party sense, citizens need not be shy of making it. Governments that fail to protect their citizens from corruption are not fulfilling their proper



role. Continuing failure will bring their legitimacy into question (Organisation for Economic Co-operation and Development, 2008:40).

In the view of Blundo and De Sardan (2006:63), even if the phenomenon of extra-salarial income has been documented since the colonial era, recent trends of corruption are contributing to the transformation of the definition of post-colonial citizenship in Africa: “henceforth, the individual who can access the networks of the parallel economic and the subsistence made possible by this economy is a citizen”.

Decades after independence of most African countries, the inability of African academicians and policymakers to accurately pinpoint the foundations of widespread corruption across systems in Sub-Saharan Africa can be said to be one of the reasons why veritable solutions to the crisis are yet to be interpreted. For a future where meritocracy is upheld and corruption is reduced, there is a need to accurately understand the past to address present challenges (Mudacumura & Morçöl, 2014:13).

#### **3.3.4.2 The contribution of citizens in overseeing public funds and curbing the mismanagement of funds**

According to Anderson (2006:1), the mismanagement of funds refers to instances where a person fails to observe laws or guidelines when handling finances for another person or organisation. Most mismanagement lawsuits involve some form of negligence or neglect on the account of the liable party.

Even though substantial human and financial resources have been invested to promote sustainable development in developing countries, statistics show that the majority of these countries have not yet achieved significant improvements in their people’s living standards. The inadequate socioeconomic development policies in these countries, coupled with poor governance, have negatively impacted the lives of millions of people. According to Mudacumura and Morçöl (2014:1), African countries have been affected by these inadequacies. Despite its abundant natural and human resources, Africa is the only developing region of the world that has grown consistently poorer over the past five or more decades.

In countries with bigger governments, there is a breakdown in the trust of the management of public funds by citizens, as measured by the acceptability of tax evasion. Thus, although a trusting citizenry allows for a larger government, the tax burden this entails erodes the obedience taxpayers exhibit toward government (Cnossen & Sinn, 2003:76) – whether this is the reason that at some high level government is associated with less prosperity is an intriguing question.

According to Hyman (2010), citizens benefit from the many goods and services made available by governments, but they also pay the costs of these services. Citizens differ in their views about what governments should and should not be doing in part because the valuations of the benefits they get from government to government differ. Citizens also disagree because of variation in the amount of taxes and other costs each of them pays. Furthermore, the extent to which individuals have the right to participate in decisions that determine what governments do varies from society to society. What governments do, how much they spend, and how they obtain the means to finance their functions reflect the political interaction of citizens (Hyman, 2010:5).

Mudacumura and Morçöl (2014:12) take on the challenging task of defining corruption in the cultural context of Sub-Saharan Africa. They consider the cultural context, historical perspectives, and international relations as interconnected factors responsible for generalised corruption and corrupt behaviour in the region. After more than 50 years of political independence, Sub-Saharan Africa is still engulfed in corruption in which many public officials and private businesses engage in the mismanagement of funds.

Moreover, according to Ihori (2017:134), citizens believe that transparency regarding public investment projects has a long way to go. When dealing with public funds, people distrust the disclosed figures, suspecting window dressing with political bias toward the overestimation of benefit. They believe that government-friendly consultants make the calculations. The natural belief of most voters in developing countries is that accurate estimations of public finances should be at the centre of all evaluations.

Furthermore, a widely embraced political value is that government should not try to take advantage of uninformed citizens. In the context of taxation, this view recommends taxes for which the burden of payment is clear. Such taxes are known as transparent taxes,

and transparency has increasingly been recognised as an important characteristic of good government. Government policies are said to be transparent when they are subject to daylight, when it is clear who is benefiting and who is paying. In this view, individual income tax is a good tax (Stiglitz & Rosengard, 2015:521).

According to Mudacumura and Morçöl (2014:67), adequate access to information holds the promise of better governance through improving accountability, transparency, and participation by citizens in public matters. Information that exposes the mismanagement of resources and corruption can be used to call for better public resource management that leads to the improved enjoyment of people's socioeconomic rights and better development.

### **3.4 Accountability and citizens**

According to Achen and Bartels (2016:115), accountability demonstrates that, in principle, citizens can select competent leaders and discipline those leaders to pursue the citizens' wellbeing. However, the effectiveness of retrospective accountability depends significantly on the precision with which voters can discern the contributions of the incumbent government to their wellbeing. Rabin, Hildreth and Miller (2007:80) state that the values to be pursued by governments to improve governance are accountability and responsiveness to citizens; strengthening the capability of government to make and implement tough choices; providing fresh talent to government; reducing the unhealthy power of special interest groups; and bringing about a more honest dialogue between citizens and their governments.

Government agencies are under constant pressure to improve their efficiency, effectiveness, and responsiveness. At the same time, there is pressure for increased transparency and accountability in the way that government agencies conduct their operations. For most of these agencies, writes Immordino (2010:2), the increasing demands for accountability and performance measurement come from multiple internal and external sources.

According to Shah (2005:35) there are two types of accountability: vertical accountability (to citizens directly through the ballot box) and horizontal accountability (to public

institutions of accountability). The institutions of horizontal accountability include the legislature, the judiciary, electoral commissions, auditing agencies, anticorruption bodies, ombudsmen, human rights commissions, and central banks. Institutions of horizontal and vertical accountability are fundamentally interconnected in that horizontal accountability is not likely to exist in the absence of vertical accountability: governments will bind themselves with institutions of horizontal accountability only when they will be punished by citizens for failing to do so. Civil society is believed to be another influential factor in the development of institutions of horizontal accountability (Shah, 2005).

According to Achen & Bartels (2016:147), if competent governments are thought to be able to control the economy, then economic voting seems eminently sensible and the impact of economic conditions on election outcomes seems to provide powerful evidence of democratic accountability. In addition, if citizens are systematically biased in their perceptions of economic conditions, retrospective accountability will suffer.

Over the years, industrial countries have shown a remarkable change in the performance of their public sectors. It is interesting to note, states Shah (2005:216), that this change was brought about not through a system of hierarchical controls, as is the focus in most developing countries, but more through strengthened accountability to citizens at large.

### **3.5 Obligations of citizens**

The concept of 'obligation' involves the active role of individuals conceived as free and equal persons able to make substantial judgements and decisions, not only in the private, but also in the public domain. It reflects the effective initiation of action that the voluntarist insistence on the importance of individual will requires (Egoumenides, 2014:87).

In democratic societies, people define citizenship very differently. Adults practice good citizenship by taking civic obligations seriously, obeying the laws, paying taxes, and voting regularly, among other things. In a democracy, writes Magstadt (2010:302), the definition of good citizenship is found in the laws, but the legislators who write the laws are democratically elected by the people; in other words, a true republic at its best erases (or at the very least eases) the tension between citizenship and moral conscience.

According to Skinner (2018:369) the sovereign, or “conductor of the state” is “the subject, in which resides the obligations and rights relative to government”, but those obligations and rights belong to the moral person of the state itself. Skinner (ibid.) adds, “A wise conductor of society, ought to have a mind impressed with this great truth, that the sovereign power is solely entrusted with the citizens for the safety of the state”, and that all their efforts must be directed “to the great advantage of the state and people who have submitted to the state”.

At the thinnest end of the spectrum, citizenship boils down to the notion of ‘nationality’ as it is used in international law. In this sense, nationality has nothing to do with being a member of a nation, understood as a political and cultural community, but simply signifies a legal status that links individuals to states. Formulated within a framework of legal positivism this concept does not carry explicit normative connotations. The relation is understood to be an empty one, which can be filled with various kinds of rights or obligations but does not conceptually presuppose any of those which have been traditionally associated with citizenship (Bauböck, 2017:7).

White (2003:18) states that the philosophy of economic citizenship holds that: (i) citizens are properly possessed of various social rights; (ii) these rights are instrumental to an ultimate distributive goal that is radically egalitarian; and (iii) where these rights work, they secure citizens a sufficiently generous share of the social product and sufficiently good opportunities for productive contribution, but citizens have definite, potentially enforceable obligations to make a productive contribution to the community in return.

Traditionally, the concept of political obligation has been understood as tied to that of political authority, but the order in which these concepts are linked has not always been the same. For earlier writers, political authority was normatively prior to obligations to obey it. Additionally, Mokrosińska (2012:2) argues, political theory understands political authority as divinely instituted or as sanctioned by custom; that is, the existence of authority is held to imply a corresponding obligation to obey that authority.

According to Weithman (2004:13), citizens simultaneously occupy a variety of social roles associated with places in their families, their occupations, associations and societies as well as parent, child, spouse. Learning to play a role involves learning to honour the

obligations that one has in virtue of occupying that role, the role-specific duties; it may include learning to live up to various ideals, ideals realised by the excellent performance of the activities normally associated with that role. However, the activities and duties associated with a citizen's roles are often not explicitly codified.

Turning to freedom of speech, in the law courts it should be seen as located within civic obligations and oratorically negotiated norms. Liddel (2007:28) states that freedom of speech in ancient Athens, given its lack of legal protection, far from being an inalienable right, was an attribute of citizenship that carried with it both rights and duties.

The fundamental interpretation of the relationship between rights and obligations states that citizens' rights are reliant on others' performance of obligations. Certain perquisites of citizenship, such as freedom from execution without trial and torture, security of one's home from being broken into by a magistrate and protection of private property, were all reliant thus, according to Liddel (2007:29).

James' (2016:105) view on obligations is that the poor will work productively in the economy and pay taxes rather than receive handouts. Moreover, reformers claim that recipients will gain self-esteem and become participating members of society. They will attain equal social citizenship by performing the primary obligation of citizenship.

In Bauböck's view (2016:11) when nationalists write about the virtues of citizens, they emphasise their readiness to kill or die in battle for the survival or the expansion of the community. In a liberal-republican conception we distinguish different kinds of citizenship virtues. Heroic virtues involve risking one's social status, livelihood or life, which would be called for not in a blind defence of one's country (right or wrong), but only in the defence of liberty (and of those political arrangements and institutions in one's country which sustain liberty).

### **3.6 Effects of citizens' responsibilities and accountability on good governance**

Citizenship is not only a prescription for how governments ought to treat residents and how those residents ought to act; it is also a very precise legal status. A fundamental element of democracy is not just the careful specification of the rights and obligations of citizenship but also an equally careful legal description of just who is a citizen and how

that status can be acquired by immigrants who choose to switch their allegiance to a new country (Barbour & Wright, 2017:32).

According to Džankić (2016:3), citizenship reflects the dynamic between state and (mutually reinforcing or competing) nation-building projects. It is not simply a matter of a passport. Rather, it includes questions of the rights and duties, as well as the intricate symbolism of membership. Citizenship also tells us about how countries relate to each other, and how such relationships among states can reshape the way in which states relate to their population.

In Forssbæck and Oxelheim's (2015:98) point of view, citizens have become increasingly suspicious of governments that act rashly, fail to confront budgetary realities, or exhibit tendencies to boost the public sector for their own selfish or even corrupt reasons, rather than to raise the welfare of citizens. Responses to these anxieties about how governments behave in relation to fiscal policy have included resort to rules that constrain discretion, the establishment of fiscal councils with varying degrees of independence from government, and efforts to enhance transparency.

People in democratic systems have a potentially powerful role to play. They are more than mere subjects; they are citizens, or members of a political community with rights as well as obligations. Democratic theory says that power is drawn from the processes; this is the price of maintaining their own liberty and, by extension, the liberty of the whole (Barbour & Wright, 2017:13).

For Runge and Shikwati (2011:108), the responsive form of law assumes a multiplicity of sources of law and law-making within the framework of modern government and implies participating in the function of making and interpretation of legal policy. Responsive law proceeds by assigning roles to various state agencies allowing them "initiative in selecting ways and means and emphasizing their native organizational roles and responsibility to enlist participation by citizens" (Runge & Shikwati, 2011).

In Barbour and Wright's view (2017:18), there are two competing narratives about what citizenship should mean in democratic systems today. Individualistic citizenship sees human nature as self-interested and holds that individual participation in government

should be limited; that ‘too much’ democracy is ‘a bad thing’. Collectivist citizenship continues to put its faith in the citizen’s ability to act virtuously, not just for his/her own good but for the common good. Former President John F. Kennedy evoked such a view in his inaugural address in 1960, when he urged Americans to “ask not what your country can do for you – ask what you can do for your country”.

### **3.7 The role and place of citizens in the context of the South African Constitution**

Loveland (2012:3) defines a constitution as a body of rules, conventions and practices which regulate or qualify the organisation and operation of government. A constitution is also seen as a central, but not the sole feature, of the rules regulating the system of government, as well as a code of rules which aspire to regulate the allocation of functions, powers and duties among the various agencies and officers of government and defines the relationship between these and the public.

According to Sokeun (2008:1), the term ‘constitution’ applies to the system of law and government by which the affairs of a modern state are administered. A constitution is the document that embodies the steps that determine how we do things in the society; it is the embodiment of the fundamental rules, principle and institutions which constitute the political affairs of the state (Sokeun, 2018).

The South African Constitution (1996) provides for formal leadership and authority within each government structure. There are institutions binding them together in mutual dependence, compelling their co-operation for the common good and regulating their inter-relationships, hostile or friendly, and there are explicit sanctions maintaining the system (Fortes & Evans-Pritchard, 2006:241).

The multi-party negotiating conference mandated to write a constitution, which would facilitate the transition from apartheid to democracy, approved such an instrument, and on 22 December 1993, the Constitution of the Republic of South Africa (Act 200) was enacted almost without debate by the race-based tricameral Parliament, thus formally preserving constitutional continuity. According to Corder et al. (2014:1), the most significant product of the first step of a long constitution-making process, the interim Constitution (as it came to be known), opened the way for democratic elections in the



country. For the first time in its history, South Africa was ruled by a fundamental law deeply imbued with constitutionalism, whose aim was to pursue “a better life for all”.

The entering into force of the interim Constitution and the elections of April 1994 were described as an historic turning-point for the entire world, a “bridge away from a culture of authority leading to a culture of justification”, with the new Bill of Rights as its “chief strut” (Corder et al., 2014:1). The final 1996 Constitution of the Republic of South Africa (Act 108), symbolically signed by President Nelson Mandela on 10 December 1996 in Sharpeville, marked the accomplishment of the constitutional and democratic transition (Corder, Federico & Orrù, 2014).

Going back in time, the history of the franchise and the fragmentation of voting rights provided the two most important keys to unlocking the construction of citizenship in South Africa. While immigration law encouraged the expansion of a ‘European’ community, it was the constant manipulation of voting rights that determined the character of South African citizenship and the constitutional order (Woolman & Bishop, 2013:133). In part, it was the cleavages between the two main segments of the white population, those of English descent and those of Dutch descent, which drove the racialisation of political power and the marginalisation of Africans.

Since the demise of apartheid, South African constitutionalism has been celebrated around the globe. The 1996 Constitution has been described as ‘the most admirable constitution in the history of the world’, states Fowkes (2016:1), and the process of drafting it and its 1993 interim predecessor has been held up as the fullest realisation of the ideals and methods of post-Cold War constitution-making.

Further, according to Morris (2016:34), the South African Constitution enshrines a system of cooperative governance: it contains a set of principles that require the national, provincial, and local organs of government to cooperate in good faith and to act in the best interests of the people, in a democratic and free South Africa.

The final South African Constitution widened the range of constitutional protection beyond the classic protection of negative liberties against the state in two striking ways. Firstly, it constitutionalised a range of socioeconomic rights that constitute positive liberties or

claims against the state. Secondly, it made clear that the provisions of the Bill of Rights could apply not only vertically (protecting the individual against the state) but also diagonally (protecting individuals against a variety of semi-private actors sufficiently linked to the state to count as part of it), and horizontally (controlling private actors' relations with each other) (Ellmann, 2017:21).

Moreover, there was the establishment of Chapter Nine institutions. The Chapter Nine institutions are a group of organisations established by the Constitution to strengthen and defend democracy. They include the Office of the Public Protector, the Human Rights Commission, the Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities, the Commission for Gender Equality, the Auditor General, and the Independent Communications Authority of South Africa (Morris, 2016:34). These institutions are evidence that citizens are afforded a constitutional role in governance.

Corder et al. (2014:64) emphasise that South Africa has proven to be populated by resilient citizens who have succeeded in overcoming huge obstacles and in making significant course changes when circumstances required it. For instance, before its reconceptualisation over the past two decades, local government in South Africa was deemed to be composed of mere local administrations constitutionally under central control. Since 1990, much planning, legislation and policy formulation have gone into the creation of a completely new, consolidated, theoretically autonomous and decentralised sphere of constitutionally structured local government (Corder et al., 2014).

The South African constitutional democracy enables a self-governing civilian administration and grassroots organisations in a process leading to the creation of political and economic spaces for citizen participation. Bereketeab (2018:21) states that experience has shown that liberation movements that create spaces for citizen participation during the liberation struggle are better equipped to manage the transition from liberation to government; moreover, there is socialisation in creating a proactive citizenship in service delivery and local development.

The Constitution of South Africa significantly upholds citizens' rights to dignity and equality. In recent years, the Constitutional Court established a commitment to the

recognition of the dignity and the equality of all South Africans. Same-sex life partners do not simply enjoy the ability to conduct their 'private affairs' as they wish, they have been granted the right to form civil unions that place them on an equal legal footing with opposite-sex life partners. Through the Constitution, the country has managed to deepen and enrich the notion of democracy. The democracy is no longer limited to the exercise of the franchise by all citizens every five years; it now ensures that citizens can participate in various democratic processes that directly affect them (Woolman & Bishop, 2013:121). For Roux (2013:179), the 1996 Constitution sought a nuanced balance between the level of negative protection required for economic growth and the level of positive provision required for meaningful citizenship.

### **3.8 The place of citizens in the context of other constitutions**

A constitution means a document having a special legal sanctity which sets out the framework and the principal functions of the organs of government within the state and declares the principles by which those organs must operate. In countries in which the constitution has overriding legal force, according to Sokeun (2008:2), there is often a constitutional court which applies and interprets the text of the constitution in disputed cases; such courts are the Supreme Court in Nigeria, the Supreme Court in the United States of America (USA), or the Federal Constitutional Court in South Africa.

Rahmani (2015:10) defines a constitution as the embodiment of all forces conditioning the perception of a people, and powerful enough to be accepted as a guide for future action, as well as the totality of rules and regulations, both legal and non-legal, which ordain, order, regulate and sustain the government of a given country. It refers to the array of rules, norms, and practices according to which a given people are governed. It is the supreme law that all the constituents of a society should abide to. It is oriented to the establishment of peace, good governance, and the sustaining of justice (Rahmani, 2015).

Most democracies derive their governmental authority from a written constitution, which is a set of formal written rules and principles governing the country. In a constitutional democracy, authority for government stems from the constitution. In such democracies, all actions by government must conform to the constitution, and officials who make and enforce the law are themselves subject to the law (McClain & Tauber, 2018:7).

Constitutional democracies share several characteristics, according to McClain and Tauber (2018:7):

- There are free elections in which candidates compete, and the political opposition (those not in power) is free to criticise the government.
- The press and other media are free, meaning they operate independently of the government, and censorship is rare.
- Elections are held at regular intervals; elected officials serve for a prescribed length of time, never for life; and the transition of power from one elected official to the next is a peaceful process.
- Personal and civil rights, such as freedom of speech and religion, are protected.

The USA, Great Britain, Canada, Australia, Iceland, the Netherlands, South Africa, and a host of other countries that exhibit these characteristics are constitutional democracies. McClain and Tauber (2018:7) state that although Great Britain does not have a single written constitution, like that of the USA, its governing principles stem from numerous legislative acts, common law, and conventions that provide a constitutional framework.

The structures of constitutional democracies may differ; for instance, certain countries have presidents and other countries have prime ministers and parliaments, however, they all share common principles. These principles provide a common basis for understanding some of the values, for example:

- Indirect (or representative) democracy is a democracy in which people do not participate directly in decision making and instead elect individuals to represent their interests.
- A constitution is a set of formal written rules and principles governing a state.
- A constitutional democracy derives its authority from a constitution. Understanding the principles common to constitutional democracies provides a window through which to view the essential features of the American political system (McClain & Tauber, 2018:8).

In the next section, the researcher will focus on the role of citizens in the constitutions of the USA, India and Nigeria, as well as their relevance in the context of the South African Constitution.

### **3.8.1 The citizens in the USA Constitution**

On May 10, 1776, the Second Continental Congress passed a resolution recommending that each colony draft and ratify a state constitution. Citizens were requested to “adopt such government as shall, in the opinions of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general”, according to Graber (2013:1). The reaction was overwhelming. Citizens paraded on the streets of Philadelphia, eager to get on with the work of self-government. John Adams described this call to establish fundamental law as “the most important resolution that was ever taken in America”. Within a year, every state but Rhode Island had established a new constitution (Graber, 2013:1).

In the USA, the practice still engaged in by a large majority of the relevant states of letting a jury of 12 citizens decide whether, in the particular case, youth should be the basis for withholding the death penalty. This is an illustration that American citizens have a significant role in the constitutional law of the country (Oregon State Bar Constitutional Law Section Executive Committee, 2012:44).

The founders of American Constitution wrote a constitution that in many respects profoundly limits citizen participation. The political role available to “the people” moved from “subject” to “citizen” with the writing of the Constitution, and especially with the addition of the Bill of Rights, but the citizens’ political options were narrow (Barbour & Wright, 2017). It is true that they could vote if they met the tight restrictions that the states might require. Furthermore, their roles as voters, however, were and are still confined to choosing among competing political elites, in the case of the Senate or the presidential electors, or among competing people like themselves who are running for the House, but who will be constrained once in power by a system of checks and balances and the necessity of running for re-election in two years (Barbour & Wright, 2017:114).

Most Americans perceive themselves as second hand citizens. Americans take justified pride in the assertion by the Declaration of Independence that “all men are created equal” and by the linked notion that “there are no second class citizens in America”. Levinson (2006:141) states that it is often asserted that “every youngster in America can dream of growing up to be president,” though, as we will see that this is patently false. At the very least, one would like to think that the Constitution itself places no barriers on participation in the polity.

The USA, just like South Africa’s, makes provision for freedom of expression by the press. This, asserts Greenwald (2014:215), implies that those who exercise the greatest power need to be challenged by adversarial pushback and an insistence on transparency; the job of the press is to disprove the falsehoods that power invariably disseminates to protect itself.

The most transformative aspect of common sense in American constitutionalism is the effect of its contagious notions of popular liberty on the civic body. Beaumont (2014:39) states that common sense ideals of fundamental rights and self-rule foster a radical new understanding of ordinary people’s role in politics animating a wide array of debates and activities; these ideas and energies begin to pry open the boundaries of citizenship to include many more ordinary men.

American Constitutional provisions and practices make the government’s promises to guarantee property rights, honour treaties, and respect all citizens more credible. Graber (2013:47) adds that investors, allies, and minorities who are confident that constitutional and other bargains will be kept have greater incentives to partner with domestic government officials in efforts to improve the overall welfare.

According to Barbour and Wright (2017:114), the national political system is as remote from most individuals as the Anti-Federalists claimed it would be, and the opportunities to get involved in it are few and costly in terms of time, energy, and money. In fact, the founders preferred it that way. They did not trust human beings either to know their own best interests or to manage power without being corrupted. They wanted popular power to serve as a potential check on the elected leaders, but they wanted to impose strict

checks on popular power as well, to prevent disturbances like Shays' Rebellion from springing up to threaten the system.

### **3.8.1.1 The relevance of the US Constitution to the South African Constitution**

The US Constitution was used in this study on the lighter note because of the views expressed in the previous paragraphs. The main reason the US Constitution was compared to the South African Constitution is that they both are democracies, as well as have direct democratic systems.

According to McClain and Tauber (2018:6), the USA is a democracy, a system of government in which the people exercise political power. The word democracy derives from the Greek words, demos (the people) and kratos (authority). The way in which people participate in a democracy may be direct or indirect (representative).

Direct democracy exists when people make decisions themselves rather than electing individuals to make decisions on their behalf. The democracy of the ancient Greeks was direct in that everyone who was eligible to participate in government had a say in the decision-making process in an open forum (McClain & Tauber, 2018:6). In the USA, the town meeting format found today in some New England towns serves as a form of direct democracy. Every resident of the town is eligible to participate in the town meeting and to vote on the resolution of issues taken up in the meeting (ibid.).

### **3.8.2 The citizens in the Indian Constitution**

The Constitution of India seeks to establish its fundamental or basic or apex organs of government and administration, describe their structure, composition, powers and principal functions, define the interrelationship of these organs with one another, and regulate their relationship with the people, more particularly, the political relationship. And regarding these basic institutions, only the basic norms are inscribed in the Constitution. All and sundry rules are not brought into discussion under the rubric of Constitutional Law. It may be noted that the term 'Constitutional law' is broader than the term 'constitution', as it comprises of the constitution, relevant statutory law, judicial decisions and conventions (Constitution of India, 2009:2).

The Indian Constitution was written over a period of four years by the Constituent Assembly. Dominated by the Congress Party, India's leading nationalist political organisation, the Assembly sought to include a wide range of political opinions and represented diversity by sex, religion, caste, and tribe (De, 2018). This achievement is striking compared to other states that were decolonised. According to De (2018:1), Indians wrote the Indian Constitution, unlike the people of most former British colonies, like Kenya, Malaysia, Ghana, and Sri Lanka, whose constitutions were written by British officials at Whitehall. Indian leaders were also able to agree upon a constitution, unlike Israeli and Pakistani leaders, both of whom elected constituent assemblies at a similar time but were unable to reach agreement on a document.

In India, each state is allowed to constitute state laws in state legislatures; these state laws must be under the Indian Constitution. In the amendment to the Constitution in 1992, the position of local governments was enforced; but, while their elections, constitution, and composition are couched in imperative terms, their functional and financial powers remain limited and optional (Yamamoto & Ueda, 2019:3). Thus, the Indian Constitution is the root of legal order in India and has been strongly influencing state-level politics.

The Indian Constitution is explicit about the fundamental right that entails the guarantee of equal protection: the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth, or any of them (Jacobsohn, 2003:105). This is significant to an ordinary Indian citizen, since India is a country that consists of broad and diverse religious beliefs and associations.

More significantly, self-imaginings, interests, identities, rights and injuries of citizens have become saturated with the constitutional language, and even radical social and political movements are constrained to engage with law and constitutional structures. De (2018:3) states that marginalised groups, including Dalits and tribals, have transformed the Constitution into a public resource through the construction of monumental public statuary commemorating the constitutional promise of equality or through installing stone slabs in villages outlining the constitutional safeguards to tribal areas. Thus, class struggles increasingly morph into class action cases.



The offering of equal opportunity to men and women, irrespective of their caste and creed, in the matter of public employment implements the democratic ideal. The treatment of the minority, even apart from the constitutional safeguards, clearly brings out that the philosophy underlying the Constitution has not been overlooked by those in power. According to Das Basu (2011:24), the fact that members of the Muslim and Christian communities are being included in the Council of Ministers of the Union as well as the States, in the Supreme Court and in Diplomatic Missions, without constitutional reservation in that behalf, demonstrates that those who are working the Constitution have not missed its true spirit, namely, that every citizen must feel that this country is their own.

### **3.8.2.1 The relevance of the Indian Constitution to the South African context**

Besides the fact that India is a developing country, like South Africa, the similarities between these countries date back to a time when they were both colonised by Great Britain; even though India gained independence from Britain earlier than South Africa.

South Africa and India are founding and existing members of the BRICS. BRICS is an informal group of states comprised of five developing economies. Initially it was called BRIC economies, but with the addition of South Africa, the forum added the letter S, making it BRICS. The group now comprises Brazil, Russia, India, China, and South Africa (BRICS Information Centre, 2012).

A key aspect that links India and South Africa is the similarities in their systems of governance. They are both constitutional democracies with a high level of inequality when compared with other developing economies.

As mentioned above, India has an inequality problem. In 2020 and 2021, India's economy experienced the largest annual contraction of 7.3% (NSO, MOSPI, 2021) in the post-independence period due to the health and economic fallouts of the Covid-19 crisis. Yet, the stock market recovered from the initial dip. Moreover, the number of Indian billionaires rose to 140 from 102 and their combined wealth doubled to \$596 billion. India has the third largest number of billionaires in the world after the US and China. Yet, the number of poor in India is estimated to have increased by 75 million due to Covid-19,

accounting for nearly 60% of the global increase in poverty, according to The Indian Forum (2021).

Turning to South Africa, Statistics South Africa listed the unemployment rate at a new record high of 32.6% in the first quarter of 2021. The United Nations Human Development Report (HDR) published in 2020 indicated that about 11 million South Africans live on less than R28 a day, which can only buy one loaf of bread, and one litre of milk. The Report looked at the concept of “multidimensional poverty”, which included poor health, malnutrition, a lack of clean water, inadequate access to healthcare, and poor housing conditions (Statistics South Africa, 2022).

The preceding paragraph illustrates that both India and South Africa have sound constitutions; however, their citizens do not benefit from them. In addition, the statistics mentioned above highlighted the relevance between the constitutions and justified why the Indian Constitution was chosen.

### **3.8.3 The citizens in the Nigerian Constitution**

Since the advent of constitutional democracy in Nigeria, Constitutional Law has assumed a new and impressive status. Its importance, states Sokeun (2008:1), becomes even more pronounced in the wake of the Supreme Court pronouncements on major constitutional questions concerning the limits of parliamentary power, the tenure of local government, the legality of capital punishment, resource control, the legality of impeachment proceeding and the tenure of office of elected officials of the state.

According to Akinwunmi-Othman (2017:82), the new Constitution of the Federal Republic of Nigeria that came into force with effect from 29 May 1999 was based on the 1979 presidential constitution, with some amendments. It provides that “Nigeria shall be a Federation made up of 36 states and a Federal Capital Territory”. The National Assembly for the federation comprises a Senate made up of three senators from each of the states and one from the Federal Capital Territory. The House of Representatives shall consist of 360 constituency members. There are significant restrictions on the operation of the political system. Members of the House of Assembly must belong to and be sponsored by a political party.

Chapter 1 of the Constitution of Nigeria entails the General Provisions as Part I of the Federal Republic of Nigeria (Nigerian Constitution, 1999). In the Constitution, the following general provisions are outlined:

1. (1) This Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria.

(2) The Federal Republic of Nigeria shall not be governed, nor shall any persons or group of persons take control of the Government of Nigeria or any part thereof, except in accordance with the provisions of this Constitution.

(3) If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.

2. (1) Nigeria is one indivisible and indissoluble sovereign state to be known by the name of the Federal Republic of Nigeria.

(2) Nigeria shall be a Federation consisting of States and a Federal Capital Territory.

3. (1) There shall be 36 states in Nigeria, that is Abia, Adamawa, Akwa Ibom, Anambra, Bauchi, Bayelsa, Benue, Borno, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Lagos, Nasarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe and Zamfara.

(2) Each state of Nigeria, named in the first column of Part I of the First Schedule to this Constitution, shall consist of the area shown opposite thereto in the second column of that Schedule.

(3) The headquarters of the Governor of each State shall be known as the Capital City of that State as shown in the third column of the said Part I of the First Schedule opposite the State named in the first column thereof.

(4) The Federal Capital Territory, Abuja, shall be as defined in Part II of the First Scheduled to this Constitution.

(5) The provisions of this Constitution in Part I of Chapter VIII hereof shall in relation to the Federal Capital Territory, Abuja, have effect in the manner set out thereunder.

(6) There shall be 768 Local Government Areas in Nigeria as shown in the second column of Part I of the First Schedule to this Constitution and six area councils as shown in Part II of that Schedule.

The peculiarity of Nigeria in terms of its complex ethnic composition, alongside the deep divergences in history and culture on one hand, and the existence on the other hand of the British colonising power as a key actor in settling the constitutional process constitute a pernicious problem to the settlement of the post-colonial state and its stability (Rahmani, 2015:13).

According to Akinwunmi-Othman (2017:71), although freedom of the press is enshrined in the Nigerian Constitution, the Nigerian press is in shackles. There are manacles from its proprietors, the government, and even the vast majority of the reading masses. Therefore, rather than inform, the press is prone to misinform the public, which resultantly impedes the democratic process. Every newspaper or magazine represents a politician, a political party, a political view, or the views and particular interests of the proprietors.

### **3.8.3.1 The relevance of the Nigerian Constitution to the South African context**

Both Nigeria and South Africa are constitutional democratic countries, where citizens are afforded a constitutional right to vote. Citizens' voting is conducted and monitored by a neutral structure like the Independent Electoral (IEC) Commission in the case of South Africa. Another similarity is that both countries were colonised by Great Britain.

In terms of economic ratings, both the countries are rated as developing countries; however, Nigeria is referred to as the largest economy in Africa, which is mainly due to the size of its GDP of around five-billion US dollars in 2022 (African Markets, 2022). South Africa is the second richest country in Africa with the size of its GDP of about four-and-a-half-billion US dollars. Both countries are rich in mineral resources. Nigeria's main economic booster is oil and South Africa is rich in gold, platinum, and other resources. Therefore, the researcher's choice of featuring the Constitution of Nigeria is justified by the country's economic status on the continent. Hence, the constitutional role and place of South African citizens can fairly be compared to the biggest economy on the continent.

The relevance of the Nigerian Constitution was informed by the similarities expressed above, together with the facts discussed under the sub-concepts of 'the relevance of the Nigerian Constitution in the South African context', as well as 'the role and place of the citizens in the context of the South African Constitution'.

### **3.9 Conclusion**

This chapter, together with the previous one, will serve as a source from which the following chapter will derive research data and information, and from which the findings will be interpreted. Moreover, the following chapter will identify and discuss the place of the citizenry in the Constitution and related legislation. This will be done considering the information gathered in previous chapters.

As was the case in the previous chapters, sub-concepts were defined to further construct the basis of the literature and clarify the uncertainties of the study. In addition, the historical background and the relevance of the key concepts were further clarified and simplified.

Citizens' responsibilities and accountability in good governance was the key concept of the chapter, wherein the following sub-concepts, Theoretical meaning of responsibilities and accountability of the citizens; Responsibilities of the citizens; Accountability and citizens; Obligations of the citizens; Effects of citizens' responsibilities and accountability on good governance; The place of citizens in the context of the South African Constitution, as well as the place of citizens in the context of other constitutions, were further explored. This broadened the basis of the framework from which the topic will be researched.

Moreover, citizen's responsibilities and accountability shape the direction of the country as far as governance is concerned, by timeously performing voting duties, involving themselves in public policy formulation processes, and through economic participation. Furthermore, the responsibilities of the citizens were unpacked. They included the duty to vote, and the determination of public policies and economic participation.

The place of citizens in the perspective of the South African Constitution was also examined. The rationale underlying the discussion of the Constitution was mainly to

establish the place, role and contribution of citizens in good governance and to also highlight the gaps or vacuums in comparison with the constitutions of other countries.

Lastly, the theoretical framework was introduced and deliberated on in detail in the previous chapter. In this chapter, the researcher extended the scope by adding more flesh to what has already been deliberated on.

## **CHAPTER 4: THE PLACE OF THE CITIZENRY IN THE CONSTITUTION AND RELATED LEGISLATION**

### **4.1 Introduction**

The fundamental concept that will be discussed in this chapter is the place of the citizenry in the Constitution and in related legislation. Under the main concept the following concepts will be discussed in details: The place of the citizenry in South Africa's constitutional perspective and related legislation; the place of citizens in Local Government Legislation; citizens and the Human Right Commission Act; citizens and the Public Protector Act; citizens and the Basic Conditions of Employment Act; citizens and the Consumer Protection Act; citizens and the Labour Relations Act; citizens and the Public Finance Management Act; as well as citizens and the Public Service Act.

In addition, this chapter will explore the place of citizens in terms of South African government policies, which include The Reconstruction and Development Programme, The Growth Employment and Redistribution Framework, and The Accelerated and Shared Growth initiative for South Africa.

Hence, this chapter serves as an analysis of the place of the citizenry in South Africa's constitutional perspective; it will also elaborate on their significance by discussing and defining key sub-concepts. Furthermore, this chapter allows the researcher to further align key concepts to the topic, as well as the research objectives and, in the process, respond to the research problem statement.

The key sub-concepts of this chapter will be the following: the citizens, the Constitution, and relevant legislation.

### **4.2 The place of citizenry in the South African constitutional perspective**

South Africa has a vibrant multiparty democracy and during the early days of democracy it was a dominant party state, with the African National Congress (ANC) having gained landslide wins in all elections. Bereketeab (2018:26) states that freedom to form and join organisations was guaranteed by the Constitution and this meant that most citizens

earned themselves a democratic right to decide the political direction of the country by casting their votes.

South Africa did not have a working electoral system in 1998. The 1994 elections, thrown together at speed, had been run with no registration process and no voters roll. All permanent residents had been allowed to vote, along with citizens, to avoid excluding those whose South African citizenship, because of the apartheid government's 'independent' homelands policy, might have been in legal doubt or whose documents might not have been up to date. According to Fowkes (2016:67), large numbers of temporary voter's certificates had been issued to the same end, raising concerns about duplicate and underage voting.

Unlike the 1993 Constitution, which expressly provided that the right to vote could be limited by law, the 1996 Constitution leaves the possibility of legislative limitations on the right to vote to inference from the general limitations clause. Section 19(3) thus provides that "every adult citizen has the right – (a) to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret". Perhaps, in response to this amended formulation, the 1998 Electoral Act, which was intended to regulate South Africa's second democratic election in 1999, removed the qualification on prisoners' right to vote that had been present in the 1993 Act (Roux, 2013:337).

For Maldonado (2013:201) it would be difficult to consider valuable the idea that the fundamental rights of citizens should be a function of race or gender. The secular character of modern constitutionalism, as well as its egalitarian impulse, would sweep these issues to the margins of the legal and political discourse. The origins of modern constitutionalism can be linked to the works of a small group of philosophers. Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Montesquieu, Immanuel Kant, and John Stuart Mill contributed to the creation of the basic rules and principles that govern modern constitutionalism.

According to Morris (2016:149), as citizens of a new multiracial country with roots in a highly divided past, South Africans are still struggling to form the pillars of a post-1994 national identity. Despite the introduction of unifying national symbols, there is no



overarching national narrative that makes sense of their circumstances, nor a common tradition reaching into the present.

The Preferential Procurement Policy Framework Act, 2000 concerns the proper management of public moneys and aims to redress the socio-economic imbalances of the past by awarding government work to historically disadvantaged individuals (HDI). It set in place a policy where bids (tenders) are awarded on a points system where preference is given to HDI South African citizens, rather than being awarded solely on compliance with the specification or cost. An HDI can score points only if he/she is involved in the day-to-day running of the business. Morris (2016:47) asserts that while the policy's aims are laudable, it is open to abuse in a business culture of patronage.

In the Constitution of South Africa, citizens enjoy extensive rights to engage in public, collective displays of their feelings over political or moral questions if the consent of the people to the laws under which they live is to be informed in any expansive sense. It is equally clear that extensive protection of that value will impose certain burdens on other individuals or groups within the community. At a trivial level, marches, processions and rallies entail a degree of noise and obstruction to local highways and other public places. But in a 'democratic' society, such factors will weigh only lightly in the scales when counterbalanced against the principle of free expression. However, states Loveland (2012:561), there perhaps comes a point when they assume sufficient weight to pose lawmakers, be they legislators or judges, a more evenly balanced question.

Constitutionalism entails the ideas of an open and democratic society and of social justice. This principle presupposes, furthermore, a framework of individual rights, which grants private autonomy and allows each citizen the capacity to exercise their equal right to political participation. According to Corder, Federico and Orrù (2014:3), the post-apartheid South African constitutions regulate all the different state institutions in detail, providing for the separation of powers and all formal requirements of contemporary democracies.

Constitutional democracy means that citizens are sovereigns. Yet in large-scale contemporary societies, citizens may be formal and remote principals rather than active governors. This is because modern democracies are primarily representative ones, in

which citizens delegate to a professional class of politicians. Democracy may require good citizens as well as good politicians, but neither of these conditions, separately or jointly, can guarantee that democracy will work. This is because rather than resting on the qualities of voters and/or politicians in isolation, the prospects for democracy hinge on the relationship between the two, the linkage between citizens and politicians. This relationship defines the democratic accountability of politicians to ordinary citizens (Giannetti & Benoit, 2009:25).

### **4.3 The place of citizens in Local Government Legislation**

This section serves to discuss the influence that Local Government Legislation has on citizens. The contribution by citizens in local governance, in one form or another has to be regulated by government legislations and various related sets of rules. In addition, this section is significant to the research, since it assists citizens to comprehend various legislation platforms where civil servants and citizens merge. These legislations play a vital role by crystalizing the objectives of citizens' role in South Africa.

#### **4.3.1 Local government's historical background and meaning**

The historical background of the concept of Local Government Legislation (LGL) is derived from the content of Bispham. According to Bispham (2007:199), the first municipal legislation probably took the form of a general statute which introduced the quattuorvirate or a group of bodies as the highest magistracy, specified the authority of the local senate over the executive, and defined the relationship between Rome and the municipal in terms of the extent of their powers, particularly the judicial and coercive powers of their magistrates. It probably followed or was drafted during the tribal distribution.

For Misuraca (2007:11), in its broadest sense, government refers to a body that has the authority to make and the power to enforce laws within a civil, corporate, religious, academic, or other organisation. At a national level, government commonly refers to the administration of a state; in general, to the executive function or branch of the body of the exercising authority. The level of government responsible for running a district, province or city is also referred to as local government in contrast with bodies at nation-state level.

The exact definition of a municipality varies, but municipalities generally are political units that are distinguished geographically from counties by being more compact and distinguished legally by being independent corporations rather than “branch offices” of the state government (Smith & Greenblatt, 2018:77).

Local government plans and resources a range of duties, responsibilities and services which are crucial to the functioning of society (Hobbs, 2019:5); this includes, for example, education, public health and social care, transport, housing, spatial and environmental planning, management and protection.

Local governments are administrative offices of an area smaller than a province. According to Misuraca (2007:11), the term is used to contrast with offices at nation-state level, which are referred to as central government or national governments.

The Constitution has entrusted a number of complex tasks to local government, which have a direct impact on the welfare of citizens. Coupled with this, there is a series of legislation which aims to empower local government to fulfil its constitutional objects, namely: the Municipal Financial Management Act, the Municipal Systems Act, the Municipal Structures Act, and the Municipal Property Rates Act. Together, these pieces of legislation provide a framework for a democratic, accountable and developmental local government system, as envisaged by the Constitution (Local Government Legislation, 2021).

Under the concept of ‘The place of citizens in LGL’, the following sub-concepts will be discussed: The Municipal Structures Act (MSA), The Municipal Properties Act (MPA), The Municipal Systems Act (MSSA), and The Municipal Finance Management Act (MFMA).

#### **4.3.2 The Municipal Structures Act**

The Municipal Structures Act (Act No. 117 of 1998) provides for an appropriate division of functions and powers between categories of municipality; regulates the internal systems, structures and office-bearers of municipalities; and makes provision for appropriate electoral systems in local government (The Municipal Structures Act, 1998).

According to Odoh (2009:48), local governments are variously politically structured and constituted. This is also a fallout of the system of leadership in local governments. The

political structure is responsible for policy making, law making, and policy implementation at the local level. The major organs of the political structure are the Executive, the Legislature, and the Committee. These Committees can be standing Committees (statutory) or House or Executive Committees, set up to study issues and to report to the parent body. The Legislature is made up of Councillors, while the Executive could be made up of supervisory councilors or superiors, together with the Chairperson.

The administrative structure of local government is hierarchical, as in any other sphere of government. At the head is a Secretary to the Local Government. In some local government systems, the Secretary is the Chief Executive but through reforms he/she has come to be answerable to the Chairperson. He/she is the head of Administration. Under the Secretary are Departments, which are headed by Heads of Departments. The Departments in local governments are created in such a way that they perform a group of functions. Normally they are those of Finance, Personnel (Administration), Agriculture, Education, Health, and Social Welfare and Community Development. According to Odoh (2009:49), the number of departments in a local government sphere depends on the complexity of the local government or the laws setting up local governments.

Local governments structures that are larger and more prosperous have greater capacity to engage in economic development activities, and those less dependent on state funding have greater incentives to do so. Similarly, larger, more prosperous governments have greater capacity to directly provide public and social services, and to avoid service cutbacks. Furthermore, Prechel (2007:92) asserts that economic structures contribute to state responses.

#### **4.3.3 The Municipal Properties Act**

The Municipal Properties Act (Act 51 of 2002) (MPA) regulates the power of a municipality to value and rate immovable properties located within the boundaries of municipalities. Municipalities derive their power to levy rates from Section 229(1) of the Constitution (The Municipal Properties Act, 2002).

Through the MPA, the Urban Development and Housing Act and the Local Government Code have empowered local government units to formulate policies and allocate

resources to social housing, and most have set up the appropriate structures and mechanisms to respond to the housing needs of their poor citizens. Mitlin and Satterthwaite (2004:65) state that, as with national government housing agencies, the city planning development office that usually takes care of housing is also responsible for many other activities.

Balston et al. (2013:28) define municipal properties as infrastructure assets that are typically large, interconnected networks or portfolios of composite assets. The components of these assets may be separately maintained, renewed, or replaced so that the required level and standard of service from the network of assets is continuously sustained. Infrastructure assets by their very nature include items that are known as complex assets. Complex assets are physical items of property plant and equipment that are capable of disaggregation into significant components. The component is the unit of account at which the asset is recognised in the asset register (Baston, 2013).

Property tax can be seen as a benefit tax, where local citizens experience the cost and benefits of local public services rendered. Generally, taxes are levies without specific services in return. Property tax, however, could be seen as a tax on collective benefits (or public good benefits) received by local citizens. Secondly, one can argue that property tax can be seen as a tax on unearned economic rents. According to Salm (2017:3), some urban property owners are passive beneficiaries in terms of rising property values due to external factors, such as urbanisation, natural population increase, the transformation of rural to urban land, and/or speculation. Increasing demand against land supply constraints results in rising property values and the respective property owners become effortlessly rich.

#### **4.3.4 The Municipal Systems Act**

The Municipal Systems Act (Act No. 32 of 2000) consolidates and elaborates on the framework for provincial and national monitoring and standard setting, as set out in the Constitution. Section 108 of the Act empowers the Minister of Cooperative Governance and Traditional Affairs (COGTA) to establish essential standards and minimum standards for any matter assigned to municipalities (The Municipal Systems Act, 2000).

Traditionally, the Municipal Systems Act has operated under a top-down or donor-recipient governance strategy. These strategies emphasise higher-level control over subordinates' actions and emphasise the enforcement of laws, regulations, standards, and guidelines, states McNabb (2009:195). An example of a top-down strategy is national governance in which the national government manages its policies and programmes through implementation by provincial and local governments.

Well-established municipal systems function differently from weakly institutionalised ones. According to Soós (2015:13), the level of institutionalisation of political actors and processes shapes the perception of political reality, calculation, and behaviour, influences the durability of local governments and their policy performance, and defines the common interests of the citizens.

The MSA enhances performance at the local government level and fast-tracks public service delivery. A performance management system is a powerful tool for engaging citizens and other stakeholders. By involving citizens in establishing and implementing performance management, local government fosters a broader awareness and sense of ownership of programmes on the part of the public (McNabb, 2009:75). Citizen involvement helps communities clarify their priorities and enables the public to play an active role in holding officials accountable, improving service delivery to the community, and allocating tax Rands (McNabb, 2009).

#### **4.3.5 The Municipal Finance Management Act**

The Municipal Finance Management Act (Act 56 of 2003) (MFMA) aims to modernise budget, accounting and financial management practices by placing local government finances on a sustainable footing in order to maximise the capacity of municipalities to deliver services to communities. Supported by the annual Division of Revenue Act, this piece of legislation is aligned with the other aforementioned local government legislation and their regulations, to form a coherent local governance package (The Municipal Finance Management Act, 2003).

The Municipal Finance Act (Act 56 of 2003) intends:

- to secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government;
- to establish treasury norms and standards for the local sphere of government; and
- to provide for matters connected therewith.

Local governments are primarily responsible for providing direct services to citizens, such as police, fire and emergency medical services, and sanitation collection. In addition, the basic infrastructure constructed and maintained by local governments, such as bridges, roads and sewers are direct services to those citizens who use them. According to Sun and Lynch (2008:283), if a negative fiscal event were to occur, its effects would be more immediate, simply because of the direct nature of local government service provision; in other words, funding cuts to local government services tend to have a more direct and immediate impact on citizens.

In South Africa, local government has a set of tax and user-charge instruments identified in law and it faces a limit on lending. Section 10 of the 1996 Local Government Transition Act states that municipal loans are not backed by provincial or national governments: “Any money borrowed by a municipality in accordance with this subsection and the interest thereon, shall be the financial obligation of the municipality concerned and shall be chargeable to and payable from the revenues and assets of that municipality,” states Shah (2005:66).

The MFMA entails engaged governance. Engaged governance is both a process and a form that attempts to link social capital into the development management processes of a municipality. This form of management goes beyond the realm of public administration and other formal institutions and links itself to civil society organisations to help mainstream citizen or community inputs into the process of policy formulation. According to Misuraca (2007:46), though engaged governance is an emerging concept, there are examples where it has been successfully implemented. For example, in South Africa, citizens’ groups actively participate in the budgeting and fiscal policy processes.

#### **4.4 Citizens and the Human Right Commission Act**

The twentieth century saw a remarkable shift in the attitudes and preconceptions of moral philosophers. In the first half of the century, few philosophers showed any interest in the analysis and theory of human rights. It seemed as if philosophers had discarded the idea of human rights as a confused or incoherent remnant of the past. Yet, a dramatic change in the fate of human rights theory appeared in the second half of the twentieth century. Discussions about the nature of rights, the place of rights in moral theories, and the value and justification of human rights took centre stage in academic philosophy journals. Shelton (2013:76) opines that this literature has become so vast and wide-ranging that it is impossible to provide a comprehensive overview of it.

Hage and Akkermans (2014:19) state that traditionally, human rights were conceived as the rights of individuals against their governments. Human rights were part of the national law of states and were safeguarded in national constitutions. Ironically, the responsibility of national states to protect human rights is meant to protect citizens against the national states themselves. The scope of these human rights was determined by national judges, who had to decide cases on whether a state had violated a human right. After World War II, human rights came to be protected under treaties. Some of the most important ones have been created under the guidance of the United Nations.

Human rights is a 'new type of rights' achieving prominence as a result of the adoption of the Universal Declaration of Human Rights by the United Nations in 1948. This point is worth remembering throughout this section. This is aimed at addressing the significance of all the rights that human beings may have, as we are considering a special category of rights, states Clapham (2007:3).

In public law, citizens are protected by the human rights that are assigned to them. Human beings have a right to privacy, freedom of expression, freedom of religion, and a right to physical integrity. Not all these rights make equal sense in the case of legal persons. According to Hage and Akkermans (2014:42), it is conceivable that a legal person (for instance, a newspaper company) exercises its freedom of expression, but it is not immediately clear what the protection of physical integrity would mean in the case of legal persons.



Human rights have been described as the rights to freedom and the wellbeing of all agents, and as those rights one has simply because one is human. As such they are said to be universally held and they hold universally against all other persons and institutions. Everywhere, it seems, rights talk is being evoked. At the same time as human nature, states Marshall (2009:20), as an idea of the “unitary essential self is under threat”, many people have questioned whether citizens can justify human rights foundationally.

Human rights affirm the dignity, worth, respect, equality, and autonomy of all people in all aspects of their lives. Jain (2005:65) states that sexual rights are necessary for women and men to express and enjoy their sexuality and promote overall health through access to information, education and services regarding sexuality and sexual health.

The Universal Declaration of Human Rights provides for basic guarantees regarding food, health, education, housing, protection of the family, democracy, participation, the rule of law, and protection against enslavement, torture, cruel or inhuman or degrading treatment or punishment. According to Ramcharan (2002:9), these seminal provisions were amplified in the subsequent conventions and they have a simple rationale: these human rights and fundamental freedoms must be respected, assured, and protected, if the individual human being is to be secure, to develop to the fullness of his/her personality, and to breathe the air of liberty.

International human rights law refers to the overarching mission to protect universal features of the human being from the exercise of sovereign power. Furthermore, human rights possess international legal significance because they monitor the distributive justice of the structure and operation of the international legal order (Chowdhury & Bhuiyan, 2010:1). Therefore, asserts these authors (2010:1), an introduction to international human rights law affords one a rare opportunity to retrace the difficult steps concerning the development of a fast growing branch of law.

The concept of a 'human rights culture' also means different things to different citizens. To some, according to Clapham (2007:2), it means ensuring that everyone is treated with respect for their inherent dignity and human worth. To others, it means that judges, the police, and immigration officials are required to protect the interests of terrorists, criminals,

and other undesirable elements at the expense of the security of the population (Clapham, 2007).

#### **4.5 Citizens and the Public Protector Act**

Sections 110 to 114 of the Constitution (Act No. 200 of 1993) provides for the establishment of the office of the Public Protector in order to investigate matters and to protect the public against matters such as maladministration in connection with the affairs of government, improper conduct by a person performing a public function, improper acts with respect to public money, improper or unlawful enrichment of a person performing a public function, and an act or omission by a person performing a public function resulting in improper prejudice to another person (Public Protector Act, 1994).

One of the major roles of the office of the Public Protector is to protect citizens against improper acts with respect to public money. In some instances, the Public Protector does not protect the citizens. For example, according to Rossouw (2017), the Public Protector has overstepped the mandate entrusted to her office in challenging the constitutional mandate of the central bank. Clearly the mandate of the Public Protector cannot be to pronounce on the constitutional mandates of other bodies established in terms of South Africa's Constitution.

Furthermore, the Public Protector's recommendations on the bailout set out in a report are provocative. The first is that there should be a new investigation by the country's elite investigative team into the obligations of one of South Africa's largest banks, Absa, to pay back a considerable sum. Absa was formed in 1991 following the amalgamation of eight banks, including Bankorp (Hirsch, 2017). Absa was later acquired by Barclays and currently trades as Barclays Africa. This means calling on Barclays Africa to pay for the sins of one of its distant ancestors.

The constitutionality of matters is a role entrusted to the Constitutional Court. Rossouw (2017) states that by interpreting her mandate in the way she did, she raised uncertainty about what the demarcation of responsibilities was between the Constitutional Court and the Public Protector.

Section 194 of the Constitution speaks to the removal of the Public Protector. The proper functioning of the Public Protector's office depends on two things: the courts' preparedness to use their review powers to overturn any unwarranted findings and informed public scrutiny of the Public Protector's actions. According to Roux (2019), no constitutional design features, however prescient, can make up for the absence of those two factors.

Fortunately, South African citizens know the value of judicial independence. And the example set by the previous Public Protector, Thuli Madonsela, has made them care enough about the institution to defend it when threatened, states Roux (2019).

At some stage, the Office broke the citizens' trust. The Public Protector's Office became embroiled in political scandals soon after she took office in October 2016. In particular, she has been accused of using her considerable power to benefit a particular political faction; a claim that has now been included in the court papers of one of the many legal challenges to her reports (Powell, 2019). Even without any intention to benefit political factions, a Public Protector operating outside the law will not be effective in creating remedies for those disadvantaged by corruption. Powell (2019) states that, like any public office, the Public Protector is subject to review by the courts.

In addition, citizens must be sceptical about the Public Protector's legal competency. South Africa's courts have in fact overturned a number of her reports. The reasons have varied. According to Powel (2019), on several occasions, the courts have ruled that she had not granted a hearing to implicated parties. In another case, a court found against her for excluding relevant factors, such as the evidence of the supposed beneficiaries in a corruption case involving a dairy farm project (Powel, 2019).

With all the facts gathered in the preceding paragraphs under this concept, it is evident that there is still a vacuum for improvement in almost all Chapter 9 institutions, whose main mandates is to uplift the living standards of South African citizen. This should be achieved by creating platforms and channels where citizens are represented, and the office of the Public Protector is no exception.

#### **4.6 Citizens and the Basic Conditions of Employment Act**

The main purpose of the Basic Conditions of Employment Act is to give effect to the right to fair labour practices referred to in Section 23(1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby to comply with the obligations of the Republic as a member state of the International Labour Organisation; and to provide for matters connected therewith (The Basic Conditions of Employment Act, 2014).

Colling and Terry's (2010:29) view on the conditions of employment is that citizens in other countries and languages had no conception of the field of organised relations between employers and trade unions as a field of study or public policy. It was, however, seen within a broader canvas of issues. From the late 19th century onwards German scholars and policy makers used the idea of social policy to embrace the full range of issues that we would today separate as industrial relations, the welfare state and citizenship rights. The policies and approaches concerned tried to provide an answer to the *Soziale Frage* (question social in French), the 'social question'. That question was the integration of the increasingly disaffected manual working class, who were being created by industrialisation.

For Van Ruiten (2010:10) basic conditions of employment include: maximum working hours and minimum resting hours; maximum number of vacation days during which the employer has the obligation to continue the payment of salary; minimum wage, including payments for overtime, excluding additional company pension schemes; conditions for the hiring out of employees; health, safety and hygiene at work; protective measures regarding employment conditions and working conditions for particular employees; equal treatment of men and women; as well as other subjects of non-discrimination.

Employment income consists of employment income and certain other kinds of benefits, including pension benefits. Employment-related expenses are not deductible, except, under conditions, commuting expenses if the employee travels by public transport, and these expenses are not reimbursed by the employer. Furthermore, income from other activities: specific regulations apply to income generated from other (freelance) activities, not being employment income or business profits, and to income generated by practicing

an independent profession. To qualify, the person concerned must satisfy certain criteria. If these criteria are not met, the income will be taxed as employment income (Van Ruiten, 2010:25).

For Colling and Terry (2010:6), work is critically important for employers and for the state. Business viability and growth depends upon the availability of suitably skilled workers willing to be engaged in paid work and their application to their tasks while at the workplace. For governments, the plentiful supply of jobs lowers demands on the public purse: if citizens can support themselves through paid work, they are less likely to call upon costly support from the state, in terms of welfare benefits, for example. Increasingly, this capacity for self-support is seen as central to social capital and cohesion.

The analysis of institutional framework conditions for employee provides guidance for the design of national policies. The results indicate that the way work is organised is connected to the structure of national labour markets and to the level of expenditures on labour market policies in the form of income maintenance for the unemployed and in the form of measures designed to move the unemployed into employment. Ischinger and Wyckoff (2010) state that there are alternative ways to build systems of learning and innovation, and different systems tend to organise work and distribute security and protection differently among citizens.

Citizens weigh up the costs and benefits when a relationship commences, they also tend to have expectations that the exchange will continue to be fair, even if what is expected of them changes considerably. Usually this is that the perceived ratio of costs to benefits should never be less favourable than it was at the outset. For this reason, if their costs rise, workers tend to have expectations that benefits will increase accordingly. Similarly, according to Dundon and Rollinson (2004:24), if conditions in the environment force a change in the organisation, the employer can feel that employees are obliged to accommodate themselves to this; both parties tend to perceive that the other one is under an obligation to comply with these expectations.

#### **4.7 The citizens and the Consumer Protection Act**

The aim of the Consumer Protection Act (Act 68 of 2008) is to promote a fair, accessible and sustainable marketplace for consumer products and services and, for that purpose, to establish national norms and standards relating to consumer protection, to provide for improved standards of consumer information, to prohibit certain unfair marketing and business practices, to promote responsible consumer behaviour, to promote a consistent legislative and enforcement framework relating to consumer transactions and agreements, to establish the National Consumer Commission, to repeal Sections 2 to 13 and Sections 16 to 17 of the Merchandise Marks Act, 1941 (Act No. 17 of 1941), the Business Names Act, 1960 (Act No. 27 of 1960), the Price Control Act, 1964 (Act No. 25 of 1964), the Sales and Service Matters Act, 1964 (Act No. 25 of 1964), the Trade Practices Act, 1976 (Act No. 76 of 1976), the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No. 71 of 1988), to make consequential amendments to various other Acts; and to provide for related incidental matters (CPA, 2008).

The CPA (Act 68 of 2008) aims:

- to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose to establish national norms and standards relating to consumer protection;
- to provide for improved standards of consumer information;
- to prohibit unfair marketing and business practices;
- to promote responsible consumer behaviour;
- to promote to consistent legislative and enforcement framework relating to consumer transactions and agreements; and
- to establish the National Consumer Commission.

The idea of protecting consumers through law is a concept that originated in the development of individualism in the nineteenth century. Analysis shows that the evolution of the legal protection of consumers under German law was primarily based on a hierarchical concept aimed at the protection of individuals from the government. However, Drexl, Hilty and Joseph (2018:28) assert, that when the fundamentals of the law on the

protection of consumers was established, the traditional distinction between public and private law was challenged, leading to a unitary regulatory approach, irrespective of whether a data controller is a public agency or a private enterprise.

Consumer protection and participation in the regulatory process is crucial for better governance in the sector. Participation strengthens the information base available to regulators as they make decisions and helps them understand the consumers' perspective. According to Cuts International (2012:3), participation also increases the social acceptance of technical decisions that the regulators take, and measures for consumer protection help build consumers' trust in the system; together effective consumer protection and participation in the regulatory governance are expected to contribute to the democratic legitimacy of independent sector regulators.

Consumer protection and competition missions naturally complement each other by protecting consumers from harm without restricting their market choices or their ability to obtain truthful information about products or services. The bedrock principle of the Federal Trade Commission's (FTC) agenda should be that robust competition in a strong market is the primary bulwark of consumer protection. Thus, states Beales and Muris (2015:2161), the Commission acts on two fronts: promoting competition and the free exchange of accurate and no misleading information, and attacking conduct that undermines competition, impedes the exchange of accurate information, or otherwise poses the greatest threat to consumers.

When the common law does not protect consumers' rights, as when injury claims are small individually but significant in total, and market forces are ineffective, another institution may overcome these weaknesses and thereby reinforce the effectiveness of competitive markets and common law. According to Beales and Muris (2015:2171), public agencies entrusted to preserve competition and protect consumers work as the third leg of the stool, reinforcing these other two legs in support of the market economy.

#### **4.8 The Citizens and the Labour Relations Act**

The purpose of the citizens and the Labour Relations Act (Act 66 of 1995) is to advance economic development, social justice, labour peace and democratise the workplace by fulfilling the primary objects of the Act, which are as follows:

- (a) to give effect to and regulate the fundamental rights conferred by Section 27 of the Constitution;
- (b) to give effect to obligations incurred by the Republic as a member state of the International Labour Organisation;
- (c) to provide a framework within which employees and their trade unions, employers and employers' organisations can-
  - (i) collectively bargain to determine wages, terms and conditions of employment and other matters of mutual interest; and
  - (ii) formulate industrial policy; and
- (d) to promote-
  - (i) orderly collective bargaining;
  - (ii) collective bargaining at sectoral level;
  - (iii) employee participation in decision-making in the workplace; and
  - (iv) the effective resolution of labour disputes.

According to Collin, Ewing and McColgan (2012:4), the objectives of labour law include the contract of employment between employer and worker, working conditions within organisations, relations between workers, access to employment through the labour market, and more generally measures to steer the economy with a view to promoting full employment with decent jobs.

The first, and most obvious, purpose of international labour legislation has, from the very beginning, been the regulation of questions having an international character. This refers principally to migration of workers, which raises complex problems related to the working and living conditions of the immigrant workers in the countries of immigration (Valticos,



2015:25). International standards are also appropriate in respect of the transportation of goods liable to endanger the safety of the workers and of the users.

The origin of labour relations in South Africa dates back to the Gold and Diamond Rush when large groups of workers descended on the mining areas in the Witwatersrand, Kimberley and Pilgrims Rest. Employees worked (and stayed) in poor conditions. They earned low wages and the workplace was not regulated at all (McGregor, Dekker, Budeli & Germishuys, 2016:2). However, soon Western and European tradesmen brought with them the knowledge of protective labour legislation, trade unions, safe working conditions and basic worker protection (McGregor et al., 2016).

The concept of unfair labour practice gained significance after 1979 with the establishment of the (then) Industrial Court, which interpreted the concept in a broad way to protect employees against various unfair practices by employers during employment. According to McGregor et al. (2016:3), the definition has been changed from a non-specific and open-ended definition to a detailed one referring only to specific practices listed in the current Labour Relations Act (LRA). This is because the LRA codified specific examples of unfair labour practices found in earlier case law.

The principle of fairness was carried into the new democratic dispensation. It was further strengthened by the Constitution, which guarantees the right of “everyone” to fair labour practices. Moreover, the LRA confirms the notion of “unfair labour practice”. These measures ensure that this principle is firmly established in the employment relationship. McGregor et al. (2016:3) state that fairness should be viewed in comparison with lawfulness. The common law and law of contract endorse lawfulness. This means that parties are within the law if they comply with the prescribed legal requirements.

For most people, employment provides their principal source of income and wealth. The legal institutions that constitute and govern the relations of production between workers and their employers provide one of the cornerstones of market economies. From a social perspective, work not only occupies a sizeable proportion of most people’s days, but also provides one of the principal sites where we can construct social relationships and seek meaning for our lives. According to Collin and Terry. (2012:5), the consequence of unemployment is often described as “social exclusion”, which means both that the

ensuing poverty prevents individuals from enjoying the benefits of society and that the unemployed are likely to experience less productive and meaningful lives.

Employees in modern times have many statutory rights. Employers, for their part, have a parallel duty to respect those rights and an implied responsibility to ensure that employees are not kept in ignorance of those rights. The penalties for infringement of an employee's statutory right can be harsh. Chandler (2001:57) states that any term in a contract of employment (or other agreement) that purports to exclude or limit the operation of the relevant provisions of the Employment Rights Act 1996, the Trade Union and Labour Relations (Consolidation) Act 1992, or of any related employment legislation (Equal Pay Act 1970, Sex Discrimination Act 1975), is void and unenforceable.

Policy discussions play a key role in labour law, and labour lawyers draw on a wide range of disciplines and approaches to construct their arguments. According to Davies (2009:3), the overview of the basic principles of labour law and the related policy arguments introduces two of the main perspectives used in the analysis of labour law today: human rights and economics. In addition, the insights of rights theorists and economists are then applied to a selection of topics in labour law, including anti-discrimination law, dismissal, working time, pay, consultation and collective bargaining, and trade union membership (Davies, 2009).

For Bercusson (2009:25) labour is different from goods, services, or capital. Labour engages human beings. For most citizens living in South Africa, it means spending the greater part of their adult waking life working. Labour law, which addresses that part of people's lives, is more central to the peoples of South Africa than the regulation of capital movements, financial services, take-overs and mergers, international trade or customs duties, or other barriers to free movement of goods and services, which absorbs most of the attention of labour lawyers.

#### **4.9 Citizens and the Public Finance Management Act**

The Public Finance Management Act (PFMA), 1999 (Act No. 1 of 1999) (as amended by Act No. 29 of 1999) is one of the most important pieces of legislation passed by the first democratic government in South Africa. The Act promotes the objective of good financial management in order to maximise service delivery through the effective and efficient use

of the country's limited resources (The Public Finance Management Act, 1999). The key objectives of the Act may be summarised as being to:

- modernise the system of financial management in the public sector,
- enable public sector managers to manage, but at the same time be held more accountable,
- ensure the timely provision of quality information, and
- eliminate the waste and corruption in the use of public assets (PFMA, 1999).

During the 20th century, there were three major waves of reform aimed at transforming how state and local governments keep their books and report to the public. The first wave was part of the municipal government reform during the Progressive Era at the turn of the 20th century. The reformers saw better financial recordkeeping to fight corruption and make governments more efficient, according to Liou (2001). During the second wave, covering the 1930s through the mid-1970s, public finance professionals developed accounting principles to facilitate financial management and legal compliance. We are now in the third wave. Stimulated by a series of municipal fiscal crises in the 1970s, the call for public accountability led to major institutional and conceptual changes in government accounting (Liou, 2001:98).

Public finance management and local economic development concerns lead local governments to assume larger roles in providing private goods directly through state-owned enterprises (SOEs) and promoting private business development, to the detriment of their primary role in providing local public services especially to the rural poor, according to Shah (2006). Public economic development enhances the national political influence of local leaders. Shah (2006:164) further states that local ownership of SOEs encourages government to exercise informal power in the private sector, thereby opening doors for opportunistic behaviour; SOEs also help soften budget constraints and weaken local fiscal discipline.

According to Hyman (2010), the extent to which individuals have the right to participate in decisions that determine what governments do varies from society to society. What governments do, how much they spend, and how they obtain the means to finance their

functions reflect the political interaction of citizens. Political institutions constitute the rules and accepted procedures that evolve in a community for determining what government does and how government outlays are financed. Through these mediums, asserts Hayman (2010:5), individual desires are translated into binding decisions concerning the extent and functions of government.

Public finance issues, including whether taxpayers' evaluations of government expenditures or the fairness of the tax system, affect their willingness to comply with the tax law (Cnossen & Sinn, 2003:50). Public finance has everything to do with public trust. Trust has a theoretical role to play in public finance and the evidence on trust and taxpaying behaviour in both macro and micro data sets, while not overwhelming, suggests that high-taxation areas exhibit lower trust and lower trustworthiness. Cnossen and Sinn (2003:89) opine that citizens in high-tax countries seem to consider tax evasion more acceptable and, likely, engage in the activity.

Moreover, the existence of government gives rise to further demands for its powers to be used to supply diverse services to its citizens. Governments also use their power to redistribute income and economic opportunity among citizens (Hyman, 2010). For example, the national government uses tax revenue to provide income support for elderly, unemployed, and poor citizens. Another function is to stabilise economic fluctuations to prevent the waste associated with the unemployment of productive resources and the undesirable consequences of inflation. Finally, according to Hayman (2010:25), governments regulate production and consumption to achieve such goals as improved health.

#### **4.10 Citizens and the Public Service Act**

The purpose of the Public Service Act (Act 103 of 1994) is to provide for the organisation and administration of the public service of the Republic of South Africa, the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of members of the public service, and matters connected therewith.

Cole and Parston (2006) define the public service as system that is meant to be inclusive and to encompass all organisations that are engaged in delivering services to the public that are, at least in part, paid for or underwritten by taxpayer money. Public service organisations include government agencies, which are still the primary providers of public services, but also an increasing number of non-profit organisations and private sector companies that provide services usually under contract that have traditionally been delivered directly by governments. Cole and Parson (2006:16) assert that in every country, the determination of what is a public service and of what kinds of organisations provide it is a political one. The authors (2006) add that around the world there is greater diversity and plurality in what traditionally was called simply “the public sector”.

Although there may be no universally accepted definition of civil service, in practice, the main purpose of any civil service system is to implement the public service delivery policy decided by the political elite of a country (Jamil, Dhakal & Paudel, 2019:99). In general, teachers, pilots, train drivers, nurses, medical personnel, police, judges, employees of the local government, and others can be categorised as civil servants. “The combination of these personnel is country specific” (ibid.).

According to Van der Meer, Raadschelders and Toonen (2015:1), the role and position of the civil service as core actors in the public sector had been seriously questioned by political experts and other actors in society and academia. The central position of civil servants in the political-administrative and societal systems was eroding and the monopoly of the civil service in public service delivery had gradually broken down (Van der Meer et al., 2015).

The quality of public service is impacted by the quality and motivation of public service personnel. According to Berman (2011:21), as in the rest of the world, concern for these aspects is reflected in strategies related to recruitment and selection, pay and incentive strategies, and training.

In addition, given that change of governments is an accepted norm in a modern democracy, civil servants must be willing to serve the elected government of the day, whatever that government might be. As a result, civil servants are required to be unbiased and politically neutral in undertaking their duties and responsibilities (Jamil et al., 2019).

They should avoid activities likely to impair or to seem to impair their political impartiality or the political impartiality of the public service. To maintain a neutral civil service, therefore, a number of rights exercised by the public may be constrained for civil servants, state Jamil, Dhakal & Paudel. (2019:184).

The multi-level governance concept resembles closely the strengths of network theory; that is, focusing attention on the interdependence between and substantial cooperation among various public, semi-private, private, and non-profit actors in public service delivery. Van der Meer et al. (2015:4) state that this focus on horizontal relations and processes often overlooks the effects of power differences and the role that formal institutions and authorities still play.

The key features of an excellent public service are quality, productivity, innovativeness, discipline, integrity, accountability, and professionalism. According to Berman (2011:198), strategies were put in place to move South Africa towards an effective, efficient, clean, trustworthy and disciplined public service, earning maximum credibility from the public service perspective.

According to Halligan (2003), the most remarkable aspect of public administration in South Africa is the extent to which systems have been transformed during the past decades. From a traditional administrative system founded on the familiar principles of hierarchy, political neutrality and the anonymity of public servants, the public service in this country has changed radically. Halligan (2003:20) states that it has become an increasingly market-oriented structure, with reduced separation from outside political forces.

Referring to public service reforms, they have often been pursued and defended for reasons of public sector efficiency, as anti-corruption measure, and as an effort to enhance responsiveness. In many analyses, it has been found that civil servants have become more active over time because of the exponential growth and complexity of public service delivery. At the same time, though, the emergence of multi-level government has prompted a much more active role of civil servants, according to Van der Meer et al. (2015:10).

The public sector, compared with other types of organisations, is less able to control the type and number of services it must provide. It must deal with an inability to shed unproductive or financially unsuccessful programmes or even to choose or reject its beneficiaries and constituents. Not only are government agencies being asked to perform at a higher level, but they are frequently also being asked to take on responsibilities for an increasingly diverse set of services. Anyone who has worked in government knows that it is much easier to add new programmes than to let one go. Rarely, if ever, does government stop providing a service. Since government performs functions on behalf of the larger society, it often finds itself in the position of not being able to support all the services wanted or needed by its constituents, asserts Immordino (2010:16).

The concept of civic participation has a strong focus on administrative processes in city governments where citizens take part as co-producers of public services by communicating critical issues and developments within their neighbourhoods to their government. Therefore, the PSA is a vital component and through it, citizens exercise a contributory function in governance.

#### **4.11 The place of citizens in the perspective of South African government policies**

The term 'government policy' refers to the actions of government and the intentions that determine those actions. Public policy is the outcome of the struggle in government over who gets what, whatever governments choose to do or not to do. Public policy consists of political decisions for implementing programmes to achieve societal goals. Stated more simply by Birkland (2011), public policy is the sum of government activities, whether acting directly or through agents, as it has an influence on the life of citizens.

The key attributes of government policy are, according to Birkland (2011:9), as follows:

- Policy is made in response to some sort of problem that requires attention.
- Policy is made on the public's behalf.
- Policy is oriented toward a goal or desired state, such as the solution of a problem.
- Policy is made by governments, even if the ideas come from outside government or through the interaction of government and nongovernmental actors.

- Policy is interpreted and implemented by public and private actors who have different interpretations of problems, solutions, and their own motivations.
- Policy is what the government chooses to do or not to do.

Policy advice-giving is as old as government itself, but the increasing complexity of modern society dramatically intensifies the decision makers need for information. Policy decisions combine sophisticated technical knowledge with complex social and political realities, but defining public policy itself has confronted various problems. Some scholars have simply understood policy to be whatever governments choose to do or not to do. Others have spelled out definitions that focus on the specific characteristics of public policy. For example, scholars often define public policy as an officially expressed intention backed by a sanction, which can be a reward or a punishment. According to Fischer, Miller and Sidney (2007:2), as a course of action (or inaction), a public policy can take the form of a law, a rule, a statute, an edict, a regulation, or an order.

Grant and Wilson (2010:4) state that fluctuations in the government policy cycle and policy outputs influence the nature of business government exchanges. In periods of high legislative activity, the emphasis is on speedily available informational outputs. In periods of low legislative output, the focus is more on building downstream relationships and consultation. This could involve deepening relationships with one set of interests or it could lead to a process of broadening out to other interests. However, business government interactions can also shift in the longer term in response to changes in market structure and the political system (Grant & Wilson, 2010).

Government policy is crafted by cultivating sensitivity to context, national cultures, macroeconomic trends, currency fluctuations, social change, and politics (international/global, regional, national, and local); and it comes after strategy because policy is also about implementation delivery of results and adding value (Grant & Wilson, 2010:105). These authors (ibid.) add that corporate policies must be crafted relating to location decision, recruitment and retention, and marketing and finance, as well as relations between subsidiaries and with headquarters to varied conditions around the world.



Public policy, like public administration, still lacks an all-encompassing theory per se and is the product of different theoretical perspectives concerning the goals of state activities and efforts to develop knowledge relevant to public policymaking. Farazmand (2009:131) state that in trying to provide a theoretical basis for the study of public policy, various models were identified, including the rational comprehensive theory, the economic rational model, the satisficing theory, the sequential decision model, the incremental model, the systems theory, elitism, group theory, the institutional model, the optimal qualitative model and the extra rational model, all of which are oriented toward the improvement of policy-making, its outcomes and processes, its modes of inquiry and access to relevant information, its quality and efficacy, its responsiveness and morality.

The South African experience on policies has consistently argued for the democratic or administrative philosophy as the source of ethics and values for public policy. Separation of politics from administration would theoretically prevent political power from corrupting public services. Similarly, public accountability of top public officials would provide the moral safeguards against ethical transgressions. Rabin et al. (2007:526) state that in public policymaking, the democratic/administrative ethos assumes a pluralistic process in the formulation of public policies.

Government policy is related to the public interest because it affects all citizens in some way. But as examples have shown, citizens are not all affected by the same policies in the same way, nor is one's intensity of feeling about an issue necessarily equal to that of others. And many citizens do not have any particular issue that would cause them to mobilise with others to demand policy change. Birkland (2011:11) asserts that most citizens do not care too much about the day-to-day workings of government because they are busy with the day-to-day workings of their lives and because the activities of government seem removed from their daily interests and needs.

The literature on government policy was discussed to lay a foundation for the South African government policies that directly or indirectly affect the citizens of the country. The place of citizens will be discussed in detail in the following government policies: the Reconstruction and Development Programme; the Growth Employment and

Redistribution Framework; the Accelerated and Shared Growth Initiative for South Africa and the New Government Growth.

#### **4.11.1 Reconstruction and Development Programme**

The Reconstruction and Development Programme (RDP) was an integrated, coherent socio-economic policy framework. It sought to mobilise all citizens and the country's resources toward the final eradication of apartheid and the building of a democratic, non-racial and non-sexist future. Within the framework for the policy represented by the RDP, the ANC developed detailed positions and a legislative programme of government. The RDP was drawn up by the ANC-led alliance in consultation with other key mass organisations (Introduction to Reconstruction and Development Programme, 2009).

A wide range of non-governmental organisations (NGOs) and research organisations assisted in the process. This process of consultation and joint policy formulation had to occur as the RDP was developed into an effective programme of government. Other key sectors of society such as the business community had to be consulted and encouraged to participate as fully as they chose. The organisations within civil society that participated in the development of the RDP were encouraged by the ANC government to be active in and responsible for the effective implementation of the RDP (Introduction to Reconstruction and Development Programme, 2009).

Moreover, in a post-apartheid era for the continent, resuscitated Pan Africanist narratives could be found in varying regions and national policy dialogues. To this end, to expand the Ubuntu worldview beyond politics and restorative justice and apply it to South African business, socioeconomics, and corporate governance, former South African president Thabo Mbeki, described Pan African Renaissance as an “Afro-modernity” defined by him as “modernity infused with African heritage” (Edozie, 2017:40).

South African black middle class was historically small and deliberately restricted by successive South African white minority regimes. This had the effect of inhibiting black South Africans from creating economic opportunities and upward mobility for themselves as early as other postcolonial Africans. According to Edozie (2017:66), this historical distinction fostered the characterisation of South Africa's smaller and later emergent

bourgeoisie as a progressive class whose interests lay in throwing in their lot with the black working class in pursuit of nationalist struggle and political freedom.

The ANC's 1994 election platform, the Reconstruction and Development Programme (RDP), was in many ways a compromise between its commitment to overcoming some of the most glaring inequalities of the apartheid era and the imperatives of the political settlement which underlay the transition to democratic rule. Harriss-White and Heyer (2010:90) state that the RDP did not envisage large-scale redistribution in most sectors, although it did make a commitment to a major land reform; it planned for ambitious programmes of house construction and service provision, as well as making commitments to address "economic imbalances and democratise" the economy.

Harriss-White and Heyer (2010:91) further state that the new government made a significant impact on the provision of infrastructure, housing and services to both urban and rural Africans. Racially based restrictions in the labour, housing and land markets were removed and there was formal equality of opportunity in the education system. Moreover, the South African government made universal pension provision. In 1994, the new government raised African pensions to the same level as that provided for other population groups. Those elderly people (the large majority) who received a pension as a result had a regular source of income, weakening the link between old age and extreme poverty. A small minority of citizens has benefited from opportunities offered by the new dispensation, gaining highly paid jobs in the public and private sector, or taking advantage of support for emerging businesses (Harriss-White & Heyer, 2010).

According to Section 26 of the Constitution (1996), every citizen has the right to have a decent shelter; hence, the government took the initiative to introduce the RDP. The relevance of the RDP in this dissertation is that the government, in its efforts to honour the citizens' constitutional rights, put aside a budget to ensure that every citizen was afforded a decent house. However, directly or indirectly, the RDP policy had negative effects on governance by exposing administrative shortcomings, such as the mismanagement of funds, and improper monitoring and evaluation during the RDP houses programmes.

#### **4.11.2 Growth Employment and Redistribution Framework**

The Growth Employment and Redistribution Framework (GEAR) was the South African government's neo-liberal macroeconomic policy adopted in 1996 by the Government of National Unity under the leadership of the ANC. It was the economic framework policy that defined and established the broad socioeconomic, political and ideological framework from within which issues such as growth, development, reconstruction, redistribution; prosperity, justice and equality in South Africa were to be addressed. It must be borne in mind that the economic and social policy approach of the new government was formulated under fierce pressure from the corporate sector and its global partners, the WB, IMF and WTO; hence, the adoption of GEAR and the abandonment of the RDP (Growth Employment and Redistribution Framework Policy, 1996).

GEAR was aimed at boosting jobs and growth through promoting exports and privatisation. This shift of emphasis was intended to stimulate economic growth by making the South African economy more attractive to foreign direct investment, expanding exports and making the public finances more sustainable, state Harriss-White and Heyer (2010:96).

In addition, it was hoped that these developments would boost employment and, through a trickle-down effect, reduce poverty. GEAR can also be argued to reflect the interests of an emergent African middle class whose interests lie more in capturing the benefits of economic growth than in redistribution to the poor. Harriss-White and Heyer (2010:96) state that GEAR has not been successful on its own terms. Gross domestic product grew only very slowly in the late 1990s, though it has increased at a higher rate since 2000. Citizens were affected by employment, which fell during the 1990s and early 2000s and rose slightly only in 2005.

For Shorrocks and Van Der Hoeven (2004:258), a pro-poor growth policy does not have to focus only on economic growth but could also be combined with an active policy of income redistribution. However, there may be trade-offs. If more rapid reduction in poverty can be achieved through reductions in inequalities for citizens, then distributional policy takes on a greater priority; but on the other hand, if greater levels of inequality appear to secure rapid growth leading to faster poverty reduction, then there may be greater

tolerance of inequalities. Thus, assert Shorrocks and Van Der Hoeven (2004), the relationship between growth and inequality are important from a policy perspective.

GEAR has however not been a solution, as labour markets have shut the most vulnerable citizens out of jobs. Inequality, crime and poverty in South Africa are driven by the lack of wage income; by failing to create jobs. The absence of effective safety nets means that even those who are employed are haunted by the prospects of sliding into poverty. With the levels of discontent increasing, the poor, the unemployed and the destitute want to see immediate changes. However, for now, opines Tshitereke (2006:134), the ANC remains the only credible organisation, one they have supported throughout the struggle, which citizens believe can improve their lives, if some policies are changed.

GEAR is evidence that democratic South Africa had citizens' interest on the agenda, instead it turned out that South Africa is a political institutional failure as well as a weakening or decaying state. According to Nafziger (2006:116), a political institutional failure is characterised by failed government spheres that provide virtually no public goods or services to their citizens. A weakening or decaying state is one experiencing a decline in the basic functions of the state, such as possessing authority and legitimacy, making laws, preserving order, and providing basic social services. A complete breakdown in these functions indicates a failing or collapsing state. State failure, with an inability of state authorities to maintain public order, provides armed military and criminal groups the opportunity to seize power.

According to Nafziger (2006), the scarcity of public resources exacerbates citizen's suffering, although not the rulers or warlords, who usually use their abundant resources for private militias and splendour. In a weak or failed state, some rulers, warlords, and traders profit more from political disorder than from order. War and violence may be rational for the powerful few, providing cover for crimes that benefit the perpetrators economically. The objectives of war are not winning but economic benefits. Nafziger (2006:117) asserts that a failed state, a form of grand corruption or pervasive rent seeking, is highly correlated with economic stagnation.

GEAR was aimed at boosting jobs and growth through promoting exports and privatisation. The inability by government to boost jobs and growth through exports and

privatisation has derailed and hindered economic growth. This simply means that citizens cannot express their responsibilities by contributing to the economy. On the other hand, if citizens are unable to contribute economically, there cannot be efficiency and progress in governance.

#### **4.11.3 The Accelerated and Shared Growth initiative for South Africa**

The Accelerated and Shared Growth Initiative for South Africa (AsgiSA) is a national initiative that originated from the mandate given to the government of South Africa to halve poverty and unemployment in 2004 by the year 2014. The mandate originally came from the United Nations Millennium Summit in the year 2000, where 189 nations agreed to work towards halving poverty and unemployment by the year 2015. The South African government joined this initiative and proposed a more ambitious deadline of attempting to halve poverty and unemployment a year earlier, by 2014. This mandate, according to Ncongwane (2011:57), was and continues to be important to the government because poverty and employment have been at extremes regardless of other positive developments, particularly after the 1994 democratic elections.

AsgiSA's mandate was to reduce unemployment and poverty, while increasing the country's gross domestic product growth rate to a sustainable level of 6% by 2010, through marshalling government and private resources to "eliminating" constraints identified as:

- infrastructure backlogs;
- shortage of skills and cost impact on low-skilled labour of the apartheid spatial system;
- poor international competitiveness of much of the manufacturing and tradable services sectors;
- the relative volatility of the currency;
- the regulatory environment for small and medium-sized business and the weakness of the Second Economy; and
- the inadequate capacity of government organs to support economic development (AsgiSA Annual Report, 2008).

Eradication of unemployment and poverty are the key objectives of AsgiSA's mandate. Unemployment is a serious and continuing problem faced by citizens of capitalist economies like South Africa. Junankar (2016) says that unemployment is analogous to a malign cancer attacking the body politic. It spreads throughout the world and its treatment appears only to provide temporary remission from its consequences. Sometimes the treatments offered are worse than the disease. Unfortunately, unemployment is very selective in finding its victims. Usually, according to Junankar (2016:9), they are the poor, the disadvantaged, the less educated, the less skilled, migrants, blacks, and the young.

Junankar (2016:410) adds that an unemployed citizen imposes an externality on members of their family or on others. This may mean simply that their consumption of goods and services declines and they may be in poverty, or that they may be affected in terms of family violence and marital discord. If unemployment also leads to an increase in crime, then the victims of crime are worse off. In purely economic terms, the stolen goods are simply a transfer (admittedly, a non-voluntary one), so there should be no net loss or gain to society (ibid.).

South African citizens did not really benefit from the AsgiSA policy. Most political commentators and partisans are of the view that there was a clear need for AsgiSA to be more inclusive of business and society rather than government on its own, taking it upon itself to define what role everybody else should play. Businesspeople and economists were more critical of AsgiSA and JIPSA than government representatives had anticipated. Reports concluded that AsgiSA did not rock the political boat in ruling circles; in fact, it took no discernible political or organisational risks at all (Centre for Development and Enterprise, 2007).

#### **4.12 Conclusion**

Chapter 4 served as a platform through which the literature, themes and research concepts were analysed. The following chapter will discuss the recommendations and the findings, as well as the conclusion of the entire study. This will be done considering the information gathered in previous chapters.

This chapter focused on the concept of 'Citizens' responsibilities and accountability in good governance'. Its contents focused primarily on the roles of citizens in the context of the South African Constitution in comparison with other constitutions. Furthermore, the chapter discussed the place of citizens in the Constitution and related legislation. Sub-concepts were defined to further construct the basis of the literature and clarify the uncertainties of the study. The meaning of relevant legislation as well as their mandates in accommodating citizens were elaborated on.

Key concepts covered in this chapter included the following: The place of citizenry in the South African constitutional perspective; and The place of citizens in Local Government Legislation, under which the following sub-concepts were discussed: The Municipal Structures Act, The Municipal Properties Act, The Municipal Systems Act, and The Municipal Finance Management Act.

Furthermore, Citizens and the Human Right Commission Act; Citizens and the Public Protector Act; Citizens and the Basic Conditions of Employment Act; Citizens and the Public Service Act; and, The place of citizens in the perspective of South African government policies were deliberated upon. Sub-concepts discussed under 'The place of citizens in the perspective of South African government policies' were the Reconstruction and Development Programme; the Growth Employment and Redistribution Framework; and the Accelerated and Shared Growth Initiative for South Africa.

Discussions on citizens' place in the Constitution and related legislation indicated that the South African governance system was founded and designed to eradicate the socio-economic challenges of ordinary South African citizens, as well as to prioritise the wellbeing of citizens. In the legislation, citizens are catered for; however, in practice, the citizens' place in the Constitution and relevant legislation is virtually non-existent.



## **CHAPTER 5 FINDINGS, RECOMMENDATIONS, CONTRIBUTIONS AND CONCLUSION**

### **5.1 Introduction**

The study culminates in this chapter whereby the research is summarised, and the study's results regarding the role and place, and the extent of citizens' participation in South Africa governance are presented and examined. The chapter ends with suggestions for additional research. The conclusions of this study may lead to inaccurate assumptions when applied to other circumstances. However, these findings are pertinent to the importance and the role of citizens in governance in South Africa.

For the purposes of this study, the problem that was identified in Chapter one as a study problem persisted until September 1999, or shortly after the second national general elections in June 1999, which was anticipated to marshal in new developments for citizen involvement in self-governing local government. The study was guided by the theory that the public's knowledge of and desire to participate in legislative, policy creation and application institutions, as well as the problem statement in Chapter one, were significant because they could serve as useful pointers and benchmarks for gauging South Africa's progress toward democratisation and empowerment. It was necessary to weigh the above theory and problem statement against the amassed evidence and the results of the conclusions drawn from the examination of the other aims of the study to ensure that this study is also seen as an assessment of a process and not just a description of the role of civic involvement in the making and implementation of policies. The major problems and concerns of this study are discussed in the section that follows.

As discussed in Chapter One, the aims and objectives of the study were:

- To establish if citizens recognise and understand their democratic role in the democratic framework;
- To examine the ways in which citizens' responsibility and accountability have made a progressive contribution towards governance;
- To identify the role and place of citizens in the Constitution and related legislation; and

- To provide recommendations on how the government can encourage citizen participation to improve governance.

The core questions of this study were:

- Do citizens recognise and understand their democratic role in the democratic governance framework?
- What are the responsibilities and accountability of citizens in governance?
- What is the role and place of South African citizens in the Constitution and related legislation?
- How can government encourage citizen participation to improve governance?

Chapter 2 of the study brought together various components of previous awareness to imagine and make inferences and intelligent guesses to select plausible theories or develop new premises about certain findings. It further presented the researcher with an opportunity to use the theoretical background to expand on what had already been researched and explored on the current study to lay a foundation for future studies. It further enlightened the researcher with a comprehensive theoretical conceptual knowledge and understanding regarding the research topic.

The highlights of Chapter 2 were the discussions on citizens' democratic roles and obligations, meaning that through roles and responsibilities, citizens have the potential to positively contribute to cultivating governance. Political partisans and interest groups may be summarised as citizens, who decide to participate in politics and civil participation via political parties and interest groups, who have special political and civil obligations; that is, special moral duties to obey the laws of the state. The will and ambitions of citizens in contributing towards virtuous governance and economic progress can be accomplished if citizens embrace their roles and responsibilities.

Chapter 3 deliberated on the concept of citizens' responsibilities and accountability in good governance. Citizens, their responsibilities, and accountability are core subjects of the study. The Chapter aimed at elaborating on their significance by discussing and defining key sub-concepts. Furthermore, it allowed the researcher to align key concepts

to the topic, as well as the research objectives, and in the process, respond to the research problem statement.

The core discussion in Chapter 3 was citizens' responsibilities and accountability, which provide the direction of the country as far as governance is concerned, by timeously performing voting duties, involving themselves in public policy formulation processes, and through economic participation, among others. These responsibilities of citizens were consequently unpacked.

In Chapter 4, the study observed the place of citizenry in the South African constitutional perspective and elaborated on their significance by discussing and defining key sub-concepts. Furthermore, the Chapter allowed the researcher to further align key concepts to the topic, as well as the research objectives, and in the process, respond to the problem statement.

Through the data gathered in the different chapters of the study, the research questions were answered and the objectives were achieved. The objectives of the study were attained by answering the following research questions:

- Do citizens recognise and understand their democratic role in the democratic framework?

The answer to the aforementioned question can be attested to by the evidence derived from Chapter 2 of the study. Section 2.7 of Chapter 2 indicated that citizens of well-functioning democracies were more aware of their right to enjoy greater freedom, wealth, and human development than citizens of non-democracies, and they experienced less violence, deprivation, and domination. Although these goods have many antecedents, democratic institutional arrangements and practices are among the most important. Furthermore, the liberal-representative model of democracy primarily sees citizens' obligations in terms of obeying the law and playing a political role by voting in elections. Beyond that, liberal citizens can continue pursuing their interests and their leisure. However, democracy, it seems, in the eyes of many contemporary theorists, does not make sufficient demands on its citizens; or does not have a sufficiently expansive or challenging conception of citizenship, which might stretch as far as citizens' imagination.

- What are citizens' responsibilities and accountability in governance?

In Section 3.2.1 of Chapter 3 it was derived that citizens' responsibility is a central issue both in politics and in everyday life. It concerns the attempt to identify what factors give rise to what outcomes. People encounter events every day that require explanation and attributional processes are ways to explain the causes of these events. Attribution of responsibility is the act of deciding who or what can be held accountable for such events. Social psychologists have shown that individuals assign responsibility instinctively, and that responsibility represents a powerful psychological cue.

In addition, the concept of global citizenship shifts rights and responsibilities from a national to an institutional context. For some scholars, global citizenship is not just a key area of research on citizenship, it is of vital importance to anyone theorising on the topic. Thus, the emergence of global citizenship action has been widely recognised as having been key to the discourse and practices of democratic politics and social change.

With regards to accountability, the response is derived from Section 3.2.2 of the same chapter. A key component of democratic accountability is that voters hold politicians to account for the actions for which they are deemed responsible. This is an illustration of how this process works at the national level. National governments are punished for inferior performance if they are held responsible, especially when a cohesive government is in place. We find no evidence that performance and responsibility matter in a comparable way for a dominant party in the South African Parliament; however, we argue that just as it is challenging for voters to hold large coalition governments in national parliaments to account, it is close to impossible for voters to identify which parties to reward and punish in South African elections.

The more accountability, the more power resides in the vote. Electoral systems matter here, as they are the principle means citizens must enforce accountability. Some systems, notably those with single member districts, effectively empower only the votes of winners, and so do a poor job of translating moral equality into political equality.

Accountability is a desirable feature in political systems, so is governmental effectiveness, which often is in tension with accountability. On the one hand, governments cannot deliver

what citizens need if they are so hampered by mechanisms of oversight and sanctioning agencies that they cannot undertake new initiatives. Constitutional crises between powers or challenges to policy decisions by oversight bodies, ombudsmen or lawsuits can undermine government effectiveness.

Furthermore, governments that are immobilised by oversight mechanisms are sometimes perceived by voters or power groups as being indecisive, ineffective, or inept. Powerful mechanisms of accountability can impede governments from implementing policies that would benefit most citizens; they can give small minorities, even a few individuals in key institutions (e.g., the Supreme Court) veto power over policy changes. At a minimum, mechanisms of accountability impose modest transaction costs.

- What is the role of the citizens in the Constitution and related legislation?

According to the information derived from Section 4.2 of Chapter 4, in the Constitution of South Africa citizens enjoy extensive rights to engage in public, collective displays of their feelings over political or moral questions if the consent of the people to the laws under which they live is to be informed in any expansive sense. It is equally clear that extensive protection of that value will impose certain burdens on other individuals or groups within the community. At a trivial level, marches, processions, and rallies entail a degree of noise and obstruction to highways and other public places. But in a 'democratic' society, such factors will weigh only lightly in the scales when counterbalanced against the principle of free expression. However, there perhaps comes a point when they assume sufficient weight to pose lawmakers, be they legislators or judges, a more evenly balanced question.

Section 3.7 of Chapter 3 indicates that the South African constitutional democracy enables a self-governing civilian administration and grassroots organisations, in a process leading to the creation of political and economic spaces for citizen participation. Experience has shown that liberation movements that created spaces for citizen participation during the liberation struggle were better equipped to manage the transition from liberation to government. Moreover, there was socialisation in creating a proactive citizenship in service delivery and local development.

The findings, recommendations, contributions and concluding remarks in this chapter are derived from the information gathered, considering the material presented in the preceding chapters, notably Chapter 3 and Chapter 4, which discussed and interpreted the research findings. For each of these objectives, information was collected. It is necessary to consider the first two goals as contributing to the comprehension of the participation process.

- How can government encourage citizen participation to improve governance?

The information derived from section 2.2.3 indicates that in democracies, citizens are presumed to be important stakeholders in that they can participate either directly or indirectly through elected representatives in the formation, adoption and implementation of the laws and policies that affect them. Public participation thus is a fundamental part of the public-government relationship in democracies.

Section 2.2.3 further indicates that citizens are encouraged to improve governance, which encompasses the formal and informal processes of decision-making and the management of domains of collective community interest or concern. It occurs through broad networks that often include public agencies but are not exclusive to them. The traditional responsibilities, efforts and effects of government are increasingly diffused across constantly changing, networked assemblages of government agencies, non-profits, businesses, and other entities. As governance has moved beyond government, so too has the scope and need for public participation.

## **5.2 Findings**

The findings and suggestions are related to two research fields. They address the major problems and trouble spots that are at the heart of many variables that tend to erode public engagement in governance and that demand attention. They also address suggestions for improving and facilitating public participation in policymaking and implementation, as well as making it more flexible, as well as the problems and challenges that current methods face.

Moreover, the research established the following regarding public participation in governance issues:

### **5.2.1 Lack of understanding of citizens' democratic role in the democratic framework**

The research found that citizens to some extent, lack understanding of their role in the democratic framework. This lack of understanding is also funded by literacy levels as government communications in print can only be understood by those who can read and write. Those who are illiterate will remain ignorant and therefore the government must put in place measures to ensure that government communications reach everybody, including the illiterate.

Section 2.2.1.2 of Chapter 2 indicated that one of the most important and astonishing political developments in recent years has been the rapid spread of democracy throughout much of the world. There is powerful evidence of the strong appeal of democracy; that is, a regime in which citizens ignore their democratic role to exercise substantial control over the choice of their political leaders and the decisions made by their governments. It is a response to politics: it is one way among many that collectivities can organise conflict and make political decisions. If politics exceeds the state, so too should democracy exceed it.

Moreover, democracy may appeal to citizens in authoritarian nations because democratic regimes often rank among the world's most stable, affluent, free, and cohesive countries. In some cases, a regional demonstration effect occurs, in which a democratic transition in one country provokes democratic change in neighbouring countries.

### **5.2.2 Lack of government commitment to adopting a participatory approach in the administrative sector**

Public participation is often seen as a time consuming process. Therefore, municipalities must allocate sufficient time on public consultation (Municipal Structure Act 117 of 1998). In the participatory approach, people must be invited to participate in community activities that are conducted by the government and those in positions of authority, such as those

in city councils, state, or national governments. There are a variety of tactics for uniting the community, and they frequently involve the councils and councillors.

In Section 3.3.3 of Chapter 3 it is said that there is poor or a lack of citizen empowerment, which is one of the key measures to be applied to encourage economic participation by citizens. Despite low levels of trust and, in some instances, profound levels of exclusion, citizens engage with and are empowered in a variety of ways when they gain a better grasp and understanding of economics. There is a considerable appetite for participation in initiatives that they consider to be meaningful and responsive to their voices. This, in turn, strengthens their sense of power and willingness to participate in other civic initiatives.

According to the information derived from Section 3.3 of Chapter 3, there is a deficiency of government to adopt a participatory approach; this contrasts with citizens' participation which to some extent is realised through evaluations. With increasing frequency, politicians and decision makers call upon citizens to take part in evaluations, either to evaluate ex post, or to evaluate ex ante. They are called upon either as stakeholders, taxpayers, concerned citizens or victims/beneficiaries of some action that has been taken or is proposed. They are called upon with different aims in mind: letting steam off, listening, learning, influencing, or creating new options. Evaluations therefore form an increasingly important forum for citizen participation in policy and decision making within representative democracies.

### **5.2.3 Unwillingness of the project officials to give up control over project activities and directions in the local government sphere**

Government officials are the ones who do not open a door for engagement with the citizens on policy issues but rather use their offices to assume all knowledge and control over governance decisions. An example of the unwillingness of public officials to give up control is illustrated in Section 3.3.4.2 of Chapter 3. In countries with bigger governments, there is a breakdown in the trustworthiness of the management of public funds by citizens, as measured by the acceptability of tax evasion. Thus, although a trusting citizenry allows for a larger government, the tax burden this entails erodes the rule obedience taxpayers



exhibit toward government. Whether this is the reason why at some high level, further government is associated with less prosperity is an intriguing question.

Citizens benefit from the many goods and services made available by governments, but they also pay the costs of these services. Citizens differ in their views about what governments should and should not be doing in part because the valuations of the benefits they get from government to government differ. Citizens also disagree because of variation in the amount of taxes and other costs each of them pays. Furthermore, the extent to which individuals have the right to participate in decisions that determine what governments do varies from society to society. What governments do, how much they spend, and how they obtain the means to finance their functions reflect political interaction (Section 3.3.4.2 of Chapter 3).

#### **5.2.4 Lack of incentives and skills among project staff to encourage them to adopt a participatory approach**

Government agencies are under constant pressure to improve their efficiency, effectiveness, and responsiveness. At the same time, there is pressure for increased transparency and accountability in the way that government agencies conduct their operations through incentives and skills development. For many of these agencies, the increasing demands for accountability and performance measurement comes from multiple internal and external sources (Section 3.4 of Chapter 3).

#### **5.2.5 Mistrust between government and communities**

The information derived from Section 4.9 of Chapter 4 indicates that the extent to which individuals have the right to participate in decisions determines what governments do, and it varies from society to society. What governments do, how much they spend, and how they obtain the means to finance their functions reflect the political interaction of citizens. Political institutions constitute the rules and accepted procedures that evolve in a community for determining what government does and how government outlays are financed. Through these mediums, individual desires are translated into binding decisions concerning the extent and functions of government.

Lack of transparency and openness often disrupts public participation. Due to past experiences, certain communities have lost trust in government departments. This lack of trust makes the engagement process a myth; the public is not willing to trust the government and they feel that their contributions to governance issues are useless since they perceive a government which is not concerned.

### **5.3 Recommendations**

The following recommendations are provided to answer the last research question of this study:

#### **5.3.1 Enlightening the public's understanding through law, institutions, and policy-making progressions**

The idea that the public must always have access to information about the law-making process, including how legislation is formed, its many stages, how policy is created and implemented, and how the public may participate, is the foundation for the proposals that follow. Elected politicians, political parties, locally active NGOs, trade unions, and community-based organisations (such as lobbying groups, consumer groups, ratepayers' associations, civic associations, and interest groups) may all bear blame for this. Public participation divisions in national, provincial and local legislatures, public participation divisions in the executive branch, public participation divisions in pertinent agencies, joint parliamentary committees and municipalities may also be responsible for it.

In addition to receiving more financing, public involvement programmes and legislative public participation units need to be extended. These units should have enough personnel and the appropriate tools to introduce the participation programmes to local communities.

In addition, constituency offices ought to be repurposed as tools for enhancing civic engagement. This would entail establishing training requirements, outlining the duties of constituency offices, and making it clear who these offices are responsible for serving. The development, administration, and employee training of such offices may be best centralised. These offices must serve as hubs for communication with neighbourhoods. They must be realised as places where people can express their interests and views, and

they serve to inform the public about laws and policies at the national, provincial, and local levels of government.

Early involvement in the legislative process by civil society organisations and public participation units will enable them to inform the public more efficiently and support it in submitting comments. Invitations to participate must be sent out promptly. Customary rules, measures, and procedures should be established by the government in collaboration with the aforementioned players to enable the public to adequately prepare themselves and involve in evocative participation in the legislative and policymaking and implementation processes for all three realms of governance in South Africa. For the public to grasp the contents and applications of each proposed law, ordinance, and policy document swiftly and readily, executive summaries should be provided in an easily accessible format. Moreover, technical language in the law should be kept to a minimum. The bill or ordinance should have provisions for a comprehensive public education programme on the proposed legislation's contents once it is passed into law. This is especially important for specific pieces of legislation that have a direct impact on communities and people.

### **5.3.2 Government commitment in the administrative sector by encouraging public participation**

The administrative aspect of governmental bodies frequently hinders effective citizen participation in political processes. Although the majority of politicians recognise and concur that public engagement is essential, the administration of the political system typically hinders substantive and useful public input. This is a sad situation as public authorities could enhance, guide, and significantly contribute to public engagement.

National and provincial legislators (political officials), in addition to the executive and councils, should take the time to provide thorough and effective communication to ensure that constituents are informed. They should also analyse the comments they receive from communities. In addition to the media, community groups, an open-door policy, and polls of the public could be used to gather feedback.

Municipal officials, in their capacity as members of the community, should construe municipal policies and the needs of the public in relation to service delivery in the ward, residential areas, or street where they reside. The executive and decision-making bodies could be informed of any information obtained in this way and instructed to take further action.

### **5.3.3 Participation of the public in local governance**

The unwillingness of project officials to give up control over projects should be curbed by encouraging participation of the public in government spheres, particularly the local government sphere. The level of public communication within the context of local government is ascertained by the magnitude to which local governments have achieved success in changing how the public is served. The issues facing participation that have been acknowledged within the local domain of government are disparities in service delivery, the degree to which community input is included in development projects, difficulties to project counselling and implementation in crime-infested areas, and the formation of clear roles, demarcations, and functions for role players in the design and enactment of the projects within the community.

In general, there is an ardent desire to participate in policy processes. To increase the value of public participation for South Africans, the great level of attention should be converted into vigorous participation.

Those who claim that deploying authority measures, such as public hearings, processes, and meetings, impairs elected officials' ability to serve as the electorate's representatives should reconsider. Public engagement is a critical idea as well as the core part of the creation of a robust democratic republic, and it will only keep improving the efforts and results of elected officials in all three echelons of government.

### **5.3.4 Incentives and skills among project staff to encourage effective participation**

To deal with other populations and comprehend societal dynamics, officials should possess a certain set of abilities. Without incentives, public involvement efforts by authorities are minimal. Incentives are a significant form of motivation. Project officials

should encourage public participation by utilising systems like performance appraisals to gauge staff performance. Ineffective public participation is further compromised by a lack of community interaction skills.

### **5.3.5 Utilising public platforms and organisations to build trust between government and communities**

The media and NGOs are the main platforms that should be used to build trust between the government and communities. The media is not being utilised as effectively as it could be, even though it is essential in enabling public involvement in both the process of developing policies (including the legislative component) and the process of putting those policies into action. Public engagement initiatives should employ local, provincial, and national media more effectively, notably radio. Relevant examples include the broadcasting of political debates, debate shows, and phone-in radio programmes, in contrast to more feedback via news or reality programming. Newspapers might dedicate articles to informing and educating people about new laws as well as the steps involved in participating in the legislative and policymaking processes. Research shows that these media are significantly more efficient in spreading information than posters, libraries, or websites.

In addition, NGOs, particularly those that make legislative and policy issues more accessible to the public, can play a key role in increasing public participation and building trust. Acquaintances and contact to legislative and governmental establishments and people are also provided, as is the use of more clear and understandable terminology. However, NGOs working in the field of public participation should be conscious of the perils associated with conflating their own organisational objectives and programmes with the potentially different aspirations of the communities they serve.

NGOs working on issues of civic involvement could also form a partnership to monitor policy development and the legislative process, generate a clearing line of important practices in public participation, train for a vibrant and democratic society, and collect and disseminate data.

## 5.4 Contributions

The mini dissertation has made contributions in the governance and public participation spectrum. The research indicates that encouraging public participation in public governance and administration aids in the consolidation of democratic values in public establishments. Public institutions engage in the development of public policies, and this ensures that the public engages in both the formation and application of public policies.

The type and extent of community involvement is a crucial factor in community development programmes. After reviewing the definitions in Chapter 2, it is clear that participation encompasses a wide range of activities, from consultation to public participation. Community involvement is a type of corporate democracy that helps the underprivileged become more alert of their circumstances, more confident in themselves, and more aware of their power when they act together.

One of the major contributions to governance is that this study creates a platform for the government to assist community organisations and the public in shifting from dependent to independent behaviour and attitudes, by figuring out how to create an effect that will excite and interest community groups. Similarly to how community involvement accelerated public engagement for community development programmes, it seeks a uniting cry, a clear course of action, or an expressive appeal that will win over the community and garner public support.

Furthermore, co-production in which the public and a public institution collaborate to create and deliver a specific service, such as neighbourhood policing or refuse collection, will increase public input in policy decisions and increase the likelihood that those decisions will be implemented successfully. Another contributing factor for increasing public engagement is co-optation, which entails appointing qualified and deserving people to local government committees responsible for service delivery.

An additional contribution is that communities could better understand how they could affect policy and how the formation and enforcement of policy are inextricably linked. In Chapter 2, the most pressing issues on people's minds was discussed, as well as the point that people favoured to engage in activities that addressed and resolved these

issues over those that they did not consider to be as important. When feedback is solicited and/or participation is encouraged, lawmakers at all levels will be aware of their voters' concerns.

The study further contributes towards governance by ensuring that programmes for public participation are created based on people's actual needs, such as their living conditions. Local and provincial administrations could excel in governance by mobilising support for public involvement programmes, which could contribute to the following benefits:

- A connection with organisations that have influence over the political, religious, and social life of the community.
- Creating a system of communication between decision-makers, community frontrunners, civics, and community organisations.
- Mutual trust among the community, its leaders, and outsiders. The greater the trust, the greater the participation.
- Communities as a focal point of all public engagement initiatives. They should be given a platform to actively participate in the planning, implementation, monitoring, and evaluation of activities rather than being treated as mere 'rubber stamps'.
- Inspiration for communities to act independently and choose their own programmes. Their sense of ownership should be strong, and the intended outcome should be that the municipal or provincial body in question participates in their programme, rather than the other way around. This could result in improved civic engagement and help foster a populace that is engaged and trusting of the government.

The study further highlights the significance of public participation programmes to aid communities in understanding the justifications behind and potential effects of proposed legislation to function within the transformation process. Additionally, this could help to address the public's disenchantment with the legislative process.

Communities could be involved from the start of the legislative process all the way through to its conclusion, through programmes for public involvement. People could be encouraged to create and join interest groups that cover similar ground. Moreover,

community groups' capacity to influence the legislative process should be improved. However, rural residents will have few opportunities to participate in activities other than those pertaining to survival until the foundational living circumstances in underdeveloped regions are improved.

## **5.5 Concluding remarks**

According to the researcher, the study achieved its primary goal, as stated in Chapter one, and it also contributed to the small body of literature on public participation in public administration that exists in South Africa. The researcher is of the view that this mini dissertation is an objectively accurate presentation of the most significant barriers to public participation in governance that South Africa has encountered in recent years.

As far as this applies to the circumstances in South Africa, it is critical that the annotations in this dissertation support the need for additional research on the key aspects of the public's participation in both policy-formulating and policy application, efficient public involvement in the legislative process, and the facilitation of representation.

For one to establish fundamental principles that will conduct the establishment and/or development of consultative instruments during the law-making process, it is also necessary to consider the involvement of local administration in the National Council of Provinces (NCOP) process.

The researcher would like to add a few more unanswered questions about public participation:

- Is enough being done to ensure that public participation strengthens democracy?
- What legislative tools are available to communicate with those who cannot read?
- Has enough been done to elicit input from specific societal groups on legislation that is highly pertinent to them, preventing their inclusion in the process once experts have designed the law, and is it more difficult to change?

Democracy will emerge as a result of evaluating governmental activities, the extent to which the Constitution is affirmed, and the populace's ability to exercise their rights. Public



participation strengthens it. While services are important, implementing an effective public participation programme in policymaking and implementation necessitates participatory democracy, transparency, responsibility, and access to information.

Given the context of this study, the engagement of the public is a non-negotiable, critical pillar of South Africa's "new" democratic republic (see Section 5.2). Such constitutional principles are merely a means to an end, not an end in themselves.

Never forget that, while the primary purpose of an election is to provide a directive to a government, the actual execution of that directive should always be open to debate with the voters. Preferably, there should be a transparent policymaking process in which all people can participate. Creating and improving consultative mechanisms that allow the public to have a say in laws and policies enacted by governmental institutions will aid in increasing public participation. Such consultative mechanisms are necessary for the realisation of South Africa's vision of a democratic and open society because there is no other way to change the country's past or forge a new future.

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