

### SITUATION ANALYSIS FOR THE PROJECT 'PROMOTING BROADER AND EFFECTIVE PARTICIPATION OF SOUTH AFRICAN CIVIL SOCIETY IN ENVIRONMENTAL GOVERNANCE'

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#### 1. Background

On 1<sup>st</sup> of January 2018, Food & Trees for Africa (FTFA) in collaboration with the Ekurhuleni Environmental Organisation, the South African Institute for International Affairs and the South Durban Community Environmental Alliance (“the implementing organisations”) launched a 30-month project aimed at enhancing civil society participation in environmental governance in South Africa. The project focuses on improving public engagement in law-making and legislative oversight on matters pertaining to sustainability, climate resilience and a just transition to a low-carbon future, paying special attention to youth and women participation. It targets the National Parliament and four Provincial Legislatures: Gauteng, KwaZulu-Natal, Limpopo and the Western Cape.

Enshrined in the South African Constitution are the right to a safe and protected environment and a commitment to a sustainable future. However, while many communities in South Africa are increasingly feeling the effects of climate change, civil society engagement in environmental governance remains limited.

Where and when it happens, it is largely focused on policy-making at national level, or as a reaction to immediate threats to the environment or public health. Public participation in the making of laws and oversight of national/ local governments’ actions that affect our environment, living conditions and well-being is rather poor. In fact, it appears a vast majority of South African civil society – and the citizens in general – are unaware of and ill-equipped to influence legislations and oversee local governments’ implementation of public policies and basic services delivery. Local civil society organisations (CSOs), the youth and women are underrepresented in these processes.

To make matters worse, previous studies as well as feedback from several CSOs indicate that the mechanisms for public participation in law-making and legislative oversight are either insufficient or defective.

Moreover, pressures to deliver vital services and to enhance opportunities for development at the local level are sometimes seen as conflicting with custodianship of the environment and a longer-term commitment to sustainability. Integrating ecologically sustainable development and use of natural resources with equitable economic and social development ought to receive more attention from the public and in government interventions, especially on matters that are directly relevant to the citizens.

To address these issues, the project builds on two components. On the one hand, enhancing capacity for civil society participation and engagement in law-making and legislative oversight on issues at the crossroads between climate change/ environmental protection and the realisation of their rights (principally energy, water scarcity, unemployment, women and girls’ empowerment, and food security). To do so, the project seeks to improve understanding of and public access to information on legislatures’ oversight and participation processes, and support efforts by local CSOs to increase public participation in this area, especially for disadvantaged and marginalised groups. On the other hand, the implementing organisations expect to foster greater responsiveness and accountability of the legislative and executive powers to the citizens’ environmental rights and their demands for the advancement of a sustainable, climate-resilient and inclusive society.

## 2. Objectives

With the aim of strengthening the quality and the impact of the project, the implementing organisations are seeking the services of a Contractor to carry out a situation analysis of the current public participation mechanisms and processes of the Parliament of South Africa and the Provincial Legislatures of Gauteng, KwaZulu-Natal, Limpopo and the Western Cape.

### Primary objective:

Give a clear and concise overview of how these institutions are implementing the constitutional provisions for public participation, how effective and inclusive these mechanisms and processes are both in their design and in their implementation, whether there are gaps and shortcomings to be addressed, and which good practices from South Africa may be highlighted and recommended for improvements.

### Secondary objectives:

- The findings will inform the agenda of the capacity building workshops that will be organised under this project with the Members and staff of the four Provincial Legislatures, and the discussions on targeted roadmaps to assist them in improving the public participation mechanisms and processes.
- Based on the findings of the situational analysis and on the outcomes of the workshops' sessions on public engagement mechanisms, the project partners will propose a roadmap to each Provincial Legislature identifying measures that could be taken and good practices to improve public participation in legislative work and oversight. We will offer our support to the Legislatures' departments and officials to action these measures, and monitor the improvements over the remaining time of the project

## 3. Scope of services

- Conduct a literature review of public participation in the South African Legislative Sector, focusing on the Parliament of South Africa and the Provincial Legislatures of Gauteng, KwaZulu-Natal, Limpopo and the Western Cape, including but not limited to:
  - documents referenced by the implementing organisations;
  - frameworks, guidelines and other reference documents on public participation authored by the Parliament of South Africa and the Four Provincial Legislatures targeted by the project ('South African Legislative Sector');
  - budgets allocated by each targeted legislature to public participation, and actual level of implementation;
  - any other piece of South African research, study, article, etc. relevant for the analysis of current mechanisms and processes.
- Using an appreciative inquiry approach, conduct in-depth interviews with relevant stakeholders to collect their views on current public participation processes, and inputs on possible improvements. Interviewees should include:
  - relevant staff members and Members of the targeted Legislatures; and with the Legislative Sector Support (LLS) which provides various forms of support to the Legislation Sector;
  - when and as relevant, members of civil society and academia who are involved in the legislative sector or have been in the past five years.
- Based on the literature review and findings of the interviews, provide an analysis of current public participation mechanisms and processes of the Parliament of South Africa and the four Provincial Legislatures targeted in the project, including:

- A strengths, weaknesses, opportunities, and threats (SWOT) analysis of existing public participation frameworks and mechanisms in place at each Legislature, specifically considering their effectiveness with respect to fostering meaningful participation;
- A brief assessment of past and ongoing efforts by the Legislative Sector, especially the Legislatures targeted in this study, to actively foster participatory democracy by strengthening meaningful public participation mechanisms both in law-making and oversight processes. This should include the Legislative Sector's response to and/or implementation of the recommendations from the [memorandum](#) compiled by the 2012 Conference *People's Power, People's Parliament: A Civil Society Conference on South Africa's Legislatures*, and handed over to the parliament's leadership in August 2012.
- Using an appreciative inquiry approach:
  - identify good practices that are conducive to meaningful public participation in the legislative sector;
  - identify opportunities for improving and strengthening public participation in Parliament and the four Provincial Legislatures targeted by the project.

#### 4. Deliverables/outputs

The Consultant will provide the following:

- An in-depth analysis of current public participation mechanisms and processes of the four Provincial Legislatures targeted in the project and the Parliament of South Africa, including:
  - a literature review;
  - qualitative analysis of the interviews;
  - good practices, opportunities and recommendations.

#### 5. Timeline

- Deadline for submission of proposals: **18 February 2018, COB.**
- Selection of the successful Contractor: 28 February 2018.
- The Assignment will be completed as follows:

Start date: 05/03/2018 at latest.

End date: all work must be completed by 29/03/2018.

#### 6. Management

The assignment will be carried out under the overall guidance of the Project Manager. The Contractor will work closely with the Project Steering Committee and project team, and will report to the FTFA Management team.

The Contractor will be responsible for arranging their own logistics, including meetings, transport and accommodation if required.

FTFA will compile background documents on the project. It will also facilitate contact with stakeholders to ascertain what data sets are available.

All relevant expenses will be covered by the Contractor.

## 7. Payment schedule

The Consultant will be paid for the amount agreed between FTFA and the Consultant with payments made directly to the latter as follows:

- 25% on completion and submission of the work plan, detailing how the Assignment will be accomplished with realistic timelines;
- 75% on submission and acceptance of the final report.

Deliverables will be reviewed and certified as satisfactory by FTFA Management and Project Steering Committee. They must be submitted in both electronic version in relevant Microsoft Office format and hard/printed copy.

## 8. Knowledge and experience

The Contractor should have knowledge and experience in the following areas:

- Demonstrated understanding of the governance structures in South Africa;
- Well versed in participatory governance processes; knowledge of constitutional law would be an asset;
- Experience of similar analytical work and conducting interviews;
- Familiar with the appreciative inquiry approach;
- Good communication skills, both orally and in writing.
- Excellent English writing and oral skills.

## 9. Application

Interested candidates must submit the following documents/information to demonstrate their qualifications:

- Proposal
  - (i) Explain why they are the most suitable to perform the work and deliver the outputs;
  - (ii) Provide a brief methodology on how they will approach and conduct the work.
- Financial proposal
- CV of key consultant(s) highlighting past experiences in similar projects/assignments.
- Indicate at least 3 references.

Applications must be sent to [noelle.garcin.za@climatereality.com](mailto:noelle.garcin.za@climatereality.com) by COB on 18 February 2018.

## 10. Contract award criteria

| Description   | Weighting |
|---|-----------|
| Main criteria (70 marks total)  |           |
| a Quality of suggested team to undertake all aspects of the assignment.   | 15        |
| b Adherence to ToR's specifications and related requirements: a clear understanding of required deliverables and robust, appropriate proposed approach. | 25        |

|                                      |  |            |
|--------------------------------------|--|------------|
| c                                    | Displayed capacity for similar high quality work. Experience working in South Africa, in the governance/policy sectors will be an advantage. | 15         |
| d                                    | Ability to deliver Assignment within the given timeline.   | 5          |
| e                                    | Communication, Writing skills and language proficiency.  | 10         |
| Commercial criteria (30 marks total) |  |            |
| f                                    | Competitive fee rates and expenses in relation to the market and demonstration of Value for Money.   | 30         |
| <b>Total</b>                         |  | <b>100</b> |