



## A Critical Evaluation of Public Participation in the Sudanese Planning Mandates

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**Abstract:** In the last four decades, the concept of community participation is increasingly getting attention in most of the world. While there is quite extensive literature on the concept itself, the process of community participation evaluation still lags behind. The necessity to improve community participation requires understanding the context where plans are formulated, developed, approved and implemented. This context is guided by three main elements including; planning mandates and by laws; planners' perception about community participation; and the actual planning practiced by planning institutions. Using Cohen and Uphoff three dimensions of participation as a benchmark, this article includes analysis of the extent to which planning mandates in Sudan provide guidance for planners in terms of what is participation and how and when to involve citizens in the planning process. This analysis was achieved through extensive literature reviews and critical study and analysis of planning mandates between 1950 and 2000. The conclusions drawn by this article show that planning mandates in Sudan have addressed the issue of Community Participation apprehensively in a very informative nature, the process of involving citizens in the planning process "as mandated" focus on area re-planning much more than urban/city planning. Equally, involving citizens as mandated occurs in the less important stages of planning.

**Keywords:** *Planning Mandates; Community participation; participation evaluation; urban planning; Sudan.*

### 1. INTRODUCTION

Undeniably, the last four decades of planning tradition have shown obvious divergence from planner-centered planning approaches to participatory planning concepts. Coupled with overwhelming literature worldwide, this divergence has been articulated in quite different terms including Arnstein ladder of participation [1] and the recent communicative turn, i.e. Communicative Planning [2] and Collaborative Planning [3].

In contrast, the experience of many developing countries, including Sudan, is different. With less than two decades of democratic governance since the country's independence in 1956, coupled with a rich history of political turbulences, rapid urbanization and migration trends, Community Participation (C.P) has struggled to find its way in the physical planning sphere. In this regard, citizens that have "strong sense of egalitarianism and a tradition of electing tribal and local notables" [4] found themselves been lead to community participation that has been described as "restricted to citizens mobilization" [5].

The arguably poor performance of C.P in Sudanese planning should then lead us to examine the situations and the contexts where planning objectives are defined, plans are developed, decisions are made and projects are implemented and evaluated. This legislative environment is generally guided

and driven through three types of arrangements including:

- i. Planning mandates and bylaws that provide legal guidance for planners and policy-makers.
- ii. Planners' perception about C.P develops by both on job and university training/education.
- iii. The actual planning practice, which translates and endorses those guidance/knowledge accumulated in the planning process [6].

Planning research has indicated that "Planning by laws and mandates result in stronger local plans" [7-8]. Also, building effective C.P in planning requires "A robust framework of legislation and guidance which sets clear standard" [9]. In this regard, the necessity to improve Community Participation in the Sudanese planning system requires understanding how it is achieved in the policy and mandates that guide planners and policy makers.

### 2. LITERATURE REVIEW

Although the literature on Community Participation is substantially increasing, the question of finding both "criteria" and a "benchmark" of C.P evaluation is still unclear. In this regard, Raimond [10] noted that the literature on public participation lacked sound evaluation of the Community Participation process. Such a lack can be attributed to several

reasons including; the vagueness and ambiguity of Community Participation as a concept [11]; the lack of "... definition and criteria of success in participation" [12] and the lack of "appropriate benchmarking against which the quality of participation exercise might be compared" [13]. However, Conley and Moote [14] explained three alternative approaches for evaluating collaborative planning practices, these are based upon;

- i. Comparing the outcomes of the collaborative decision-making process against its goals;
- ii. Comparing multiple efforts,
- iii. Comparing practice to theory.

It was understood that three approaches as viable and worthwhile. Thus in this article the author opts to use an evaluation strategy/scale that is very much based on Conley and Moote's [14] third approach.

### 3. RESEARCH PURPOSE AND METHODOLOGY

In this article, the degree to which planning mandates provide guidance for planners and policy makers is evaluated and appraised. While this article is not trying to test hypothesis regarding C.P. in planning mandates, it provides wider understanding and rich descriptive measurements of how Community Participation is mandated in the Sudanese planning laws.

This research employs a historical approach that is mainly achieved through an extensive and critical literature review of the Sudanese planning mandates from 1950 (the year when of the first Sudanese planning mandate was enforced) up to the year 2000 (the year when the most recent physical planning related mandate was enacted). Data collected was obtained from both the Sudanese Ministry of Justice and the Sudan Judiciary Library.

To deal with the difficulty of finding appropriate benchmarks to measure participation, the author adopted an evaluation typology that is based on a modified version of Cohen and Uphof's [15] three dimensions of participation. The simplicity and the generalization of those dimensions (Who, How and What) make them perfect candidates to measure the extent to

which planning mandates provide guidance for planners. Thus, "participation dimensions" as used in this article are explained herewith;

- i. "Who" is used to express the spectrum of stakeholders involved in the process,
- ii. "How" refers to the mechanism by which C.P is accomplished, this stands for what kind of participation is achieved in different project cycles,
- iii. "What" explains the different stages or phases involved in the planning or projects, generally identified in this article as plan initiation, plan making, plan approval, implementation and monitoring?

## 4. RESEARCH FINDINGS

### 4.1. Legal and Policy Framework of C.P in Sudan

The legislative framework of C.P in Sudan is generally comprised of at least three main documents including:

- i. The Federal Government planning mandates;
- ii. State planning ordinances;
- iii. Local governments' guidance and regulations.

Based on the Capital Region of Sudan, the last two documents provided explanations of federal level mandates at local level accompanied with explanations of issues related to building regulations/permits and environment. In this sense, this article will focus on studying the Federal Government planning mandates.

Table 1 identifies all the federal-level planning mandates enacted during the period of study (1950-2000), according to this table three categories of ordinances/acts are observed, these categories are:

- i. Physical planning mandates (Category a),
- ii. Land-oriented mandates (Category b),
- iii. Environment-oriented mandates (Category c).

A general study of Sudan's National planning mandates identified in Table 1 shows that both category "b" (Land-oriented) and category "c" (Environment-oriented) of the planning mandates lack articles that promote C.P.

**Table 1.** Spectrum of Planning Mandates studied and their Subdivisions

Year	Mandate/Act name	General theme	C.P	Category
1950	Town Re-Planning Act	Informal settlements	Yes	Planning (a)
1961	Cities and villages Planning Act	Planning/ informal settlements	Yes	Planning (a)
1975	None-registered land Act	Land regularization	None	Land (b)
1975	Environment conservation act	Environment protection	None	Environment (c)
1983	Land Re-adjustment and registration	Land regularization	None	Land (b)
1983	Land Re-adjustment and registration Act (revision)	Land regularization	None	Land (b)
1986	Land disposition act	Land regularization	None	Land (b)
1986	Spatial Planning Act	Re-Planning	Yes	Planning (a)
1991	Supreme Council for Environment and Natural resources Act	Environment Council formulation	None	Environment (c)
1994	Spatial Planning and Land disposition Act.	Planning/ re-planning/Land	Yes	Planning (a)/ Land (b)
2000	Environment protection Act	Environment Improvement	None	Environment (c)

the study of the physical planning mandates (category a) identified four various mandates that provide guidance for Those two categories however, have focused entirely on land issues (such as land re-adjustment and acquisition procedure) and environmental issues in the third category. On the contrary, planners in terms of how to achieve C.P within the physical planning process explained as follows:

*a. The 1950 Town Re-Planning Decree (TRD)*

The 1950 Town Re-planning Decree was the first Sudanese planning mandate that deals (in detail) with cities and towns. TRD was also the second enacted physical planning mandate in the country. Having focused on informal settlements “re-planning/reintegration”, C.P in this decree was achieved through three folds of arrangement, including;

- i. Obligating public authorities to show their intention to develop any re-planning scheme to the public (article No 3) [16].
- ii. Plan arrangements and developed scheme should be publicized using appropriate media (article No 8-2, 9 and 13-2) [16].
- iii. Re-planning-affected citizens (beneficiaries) have the right to appeal against the re-planning committee decisions (article No 22) [16].

*b. 1961 Cities and Villages Planning Act (CVPA)*

Although this was the first planning act enacted after independence, yet it was the act that has minimally addressed Community Participation. Apart from obligating public authorities to show their interests in initiating any planning scheme to the public (article No.4) [17], there was no further article that promoted C.P. Absence of C.P articles in the country’s first planning act after independence can arguably be attributed to the nature of the governance carried-out by the military dictatorship that took power before the law was enacted (Nov. 1958). However, it should be noted that this act was the first to focus entirely on the “planning” issues rather than “re-planning”.

*c. 1986 Spatial Planning Act (SPA)*

This act was enacted during the third period of democracy in the country (1986 - 1989), thus, the political environment was favoring putting forward good citizens’ involvement measures an guidance. Nonetheless, no spectacular change towards citizens’ involvement was observed in this act.

The SPA succeeded in setting out new administrative measures at both state and federal levels. For instance, the “Village Re-planning Committee (VRC)” was established to be responsible for tackling the growing problems of informal settlements in/around large cities in Sudan through preparing official village plans. This act also introduces the National Physical Planning Committee (NPPC) of which four members (planning experts) are nominated by the Minister (article No.5) [18]. Nonetheless, this act sustained the public agencies responsibility to publicize their intention to initiate any planning project (article No.3-7) [18].

*d. 1994 Spatial Planning and Land Disposition Act (SPLD)*

This act was seen as the major transformation in the physical planning development in the country [19]. SPLDA was the first mandate that combines both Physical planning and land administration mandates in a single legal document. This act was preceded by a series of large-scale physical, structural and legal changes including:

- i. The inauguration of The National Comprehensive Strategy (NCP)1992-2002 which was the first national strategy to state clearly the role of C.P in service provision and management of urban areas by calling for “community must be included to decide upon their planning priorities in plan implementation, housing projects, public buildings provision, public spaces development and greening” [20];
- ii. The amendment of the Peoples Committees (Ligan Shabieia) act of 1992 that was intended to lay the ground for more civil-based local level administration by allowing citizens to participate at local level administration.
- iii. Last but not least, the inauguration of the capital region new Structure Plan which incorporated “informal settlements treatment” as a key element in its development strategy.

C.P directives in this act are:

- Obligating public authorities to show their intention to develop any planning / re-planning scheme to public. (Section 2 No 12, and section 4 No.19) [21].
- Lowering the decision-making process to state level by mandating all states to form their own planning committees (article No.10 and 11-s) [21].
- Re-planning-affected citizens have the right to appeal against the re-planning committee decisions (article No 4-38) [21].
- Re-planning arrangement, modified/approved plans should be made public (article No.4-28-1) [21].

## 5. RESULTS AND DISCUSSION

A part from the “physical planning” legislations (category a), planning mandates in Sudan (as shown in Table.1) lack legislation that is solely dedicated to promote C.P. These mandates introduced C.P as a function that is mandated within three types of arrangements including;

- i. The obligation of the government planning authorities to show their interest to initiate planning/re-planning projects to public through an appropriate media and/or public gazette (TRD of 1950; CVPA of 1961; SPA of 1986 and SPLD of 1994);
- ii. The obligation of the government to publicize planning arrangements and approved plans for “re-planned” areas to the public, accompanied by schematic layouts, details and information about where citizens can see the Approved plans (TRD of 1950 and CPVO of 1961);
- iii. The right for the “re-planning projects” affected citizens to appeal (TRD of 1950; SPLD of 1994). The extent of how those legal planning arrangements fit into our C. Revaluation typology (the modified Cohen and Uphoff [15] three dimensions of participation) shown in Table 2 is thus discussed henceforth. Yet it must be noted that,

**Table 2.** The application of the three dimensions of participation on planning Mandates/by laws

	How Community Participation is Achieved		Who is Involved? (Stakeholders other than Govt.)	What is participation		Notes/ Reference
	Short Description of article Content	Method		Stage of C.P	Activities	
Planning Ordinances/Acts	State Governor should show Govt. Interest to initiate re-planning projects to public.	Public announcement	Beneficiaries	Before re-planning Initiation.	Re-planning	Article No.3
	Plans and arrangements should be made public	Public Information Notice	Beneficiaries	After project approval	Re-planning	Article No. 8-2, 9 and 13-2
	Beneficiaries has the right to appeal re-planning decisions.	Appeal	Beneficiaries	After approved plans are made public.	Re-planning	Article No.22
TRA 1950	Govt. Institution (Minister of Housing) Should show Govt. interest to initiate planning projects to public.	Public announcement	Public	Before re-planning initiation	Planning	Article No.4
CVPA 1961	Govt. Institution (Minister/NCCP). Should show their interests to initiate planning projects to public.	Public announcement	Public	Before re-planning Initiation.	Planning	Section 3-7
SPA 1986	Govt. Institution Should show their interest to initiate planning projects to public.	Information	Public	Before planning Initiation.	Planning	Section 2, article No.12
SPLD 1994	Govt. Institution Should show their interest to initiate re-planning planning projects to public.	Notice / Information	Public	Before re-planning Initiation.	Re-planning	Section 4, article No.19
	Beneficiaries has the right to appeal re-planning decisions.	Feed back	Beneficiaries	After planning	Re-planning	Section 4, article No.21
	Modified plans should be made public.	Notice / Information	Beneficiaries	After re-planning	Re-planning	Section 4, article No.31-2
	Minister approval of plans should be publicize.	Notice / information	Beneficiaries	After Approval	Re-planning	Section 4, article No.24-2
	Re-planning program and arrangements details at (local level) should be publicize.	Notice / information	Beneficiaries	After approval	Re-planning	Section 4, article No.28-1
	Re-planning affected citizens have the right to appeal.	Appeal	Beneficiaries	After approval	Re-planning	Section 4, article No.38

as those dimensions are discussed individually in this article, in reality they are very much intertwined/overlap each other.

### 5.1 Who Participates

While it is neither possible nor feasible to involve every single community member in the planning process, “Who should participate” is seen ideally as taking into account the views of all “those who have legitimate interest in the matter” [22]. In this regard, the scope of stakeholders mandated to be involved in the planning process as noted by the physical planning mandates (Table.2) are limited to two folds of stakeholders;

- Public Agencies (Government Institutions), including the (VRC), planners, policy-makers, NCCP, Minister of housing and State Governor (Wali).
- Directly affected citizens/beneficiaries.

This suggests that the concept of public agencies as “plan producers” and citizens as “recipients” of this plan has a strong presence in planning mandates. Ahmed [4] backed-up this suggestion by noting that planning in Sudan is generally a function that happens inside government institutions.

Other community sectors such as NGOs/CPOs, research and education sector though might have legitimate interest in the

process; yet, they are not mandated to be involved in the planning process, a part from some university professors that are appointed as NCCP member.

### 5.2 How Participation is mandated/achieved

Participation techniques/methods have been much studied as a core concept of many C.P studies, such as Arnstein’s ladder of participation [1], Choguil’s new ladder of citizens’ participation [23] and by theorists of collaborative planning (Innes and Booher, [24] and Forrester, [2]). Although it’s generally agreed that “C.P techniques” must be synced to “participation objectives”, it is widely understood that there are general hierarchies of levels of participation techniques that range from information giving at the lowest level of participation to full public/ stakeholder control over planning issues.

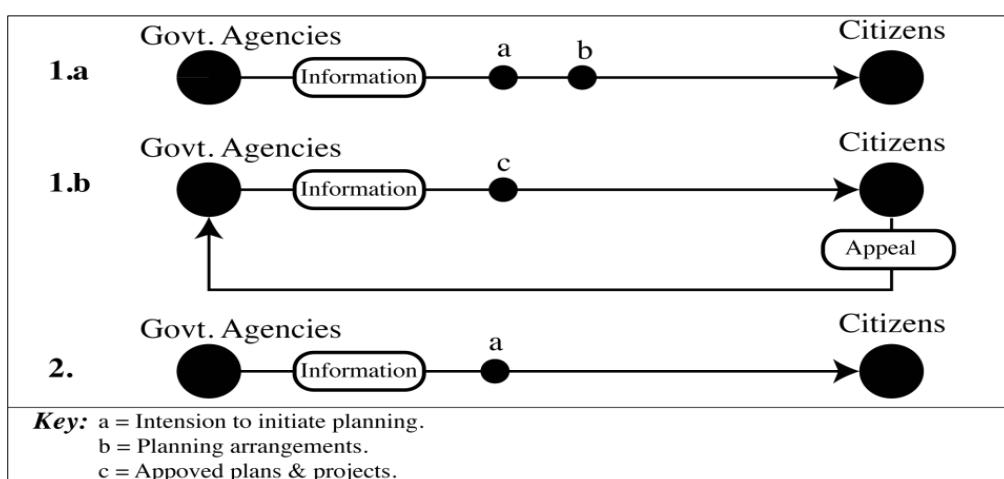
Table 2 shows that Sudanese planning mandates address C.P as a process of informing citizens about planning projects through disseminating information to large numbers of people and allowing citizens to appeal (re-planning process). In this regard, while there is no satisfactory requirement for how the “plan publicity” should be done, the level of publicity mandated is limited to advertisement in public gazette and on-site notice. As this is regarded as a tool for good intention, it

does not insure that citizens will be well informed about these projects, especially if we consider the high level of illiteracy in the country. However, planning mandates that have covered the re-planning process (TRA of 1950 and SPLD of 1994) have provided two methods through which the re-planning decisions can be challenged: a). By appealing to the Minister of Planning; b). By appealing to the Civil Court. While, the right of appeal has been granted to citizens as part of the re-planning process, planning mandates do not provide enough guidance and channels to ensure that appeals actually have an influence in the final plan.

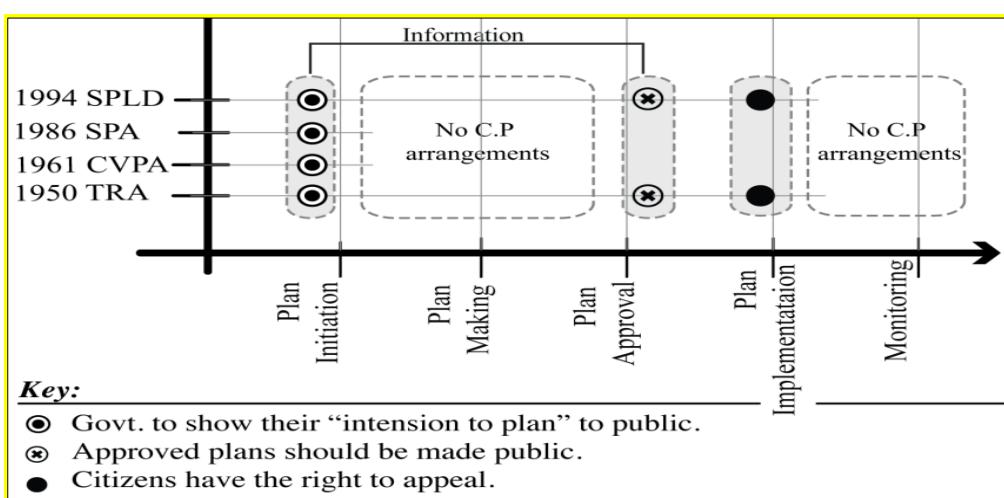
The duty-right relationship (Fig.1) between the two stakeholders mandated to be involved shows that "re-planning" is generally gaining more participation and feedback possibilities than planning. The latter, has less C.P arrangements, as information dissemination is the only form of C.P mandated within its arrangement.

Identifying the stage that citizens should be involved in is a key issue in planning process. Many scholars believe that to ensure meaningful stakeholder involvement, participation must occur "early, often and [be] ongoing" [25]. In this regard, the extent to which planning mandates have looked at the stage at which participation should take place (explained in Fig.2) tends to restrict "direct" C.P to "plan initiation"(information) and "post plan approval" stages (information and appeal).

Planning mandates in general require planning authorities to publicize plans/projects and hear appeals only after the plan has been selected from within the alternatives available and that it has been approved for implementation (Fig.2). In this regard, Hamdi and Goethert experiences in land regulations and housing in developing world show that the planning stage is the most crucial stage of citizens' involvement (see Hamdi and Goethert [26]).



**Fig.1.** Framework of how C.P is mandated in the Sudanese planning mandates, the re-planning arrangement on top (1.a and 1.b) and planning arrangement at the bottom (2).



**Fig.2.** Relationship between stages of planning "Project Cycle stages) and C.P in different planning mandates. The X-Axis shows the planning stage, Y-axis shows the various planning mandates studied.

This generally suggests that participation as mandated, is actually happening in the less important stages. Appeal, on the other hand, is mandated to take place after all planning decisions are taken and plans are approved. Taking into account the lack of public hearing in those mandates, it is then obvious that there is narrow margin for citizens to actually influence plans.

To conclude, the extent to which planning mandates address C.P can be summarized as follows;

- i. C.P in Sudan has maintained a very informative nature in terms of how the participation process should be tackled in all planning mandates.
- ii. C.P focuses on quantity of participants rather than the quality of participation process.
- iii. C.P is a process that is largely (though not entirely) related to re-planning or illegal settlements regularization.
- iv. C.P addresses what should be done in terms on involving citizens, but not necessarily how (tools and measures).
- v. C.P as mandated in planning bylaws focus on involving citizens in the less important planning stages (initiation and post-approval) (Fig. 2). Stages like plan development and decision-making get the least focus.
- vi. Citizens' right to appeal is mandatory (in re-planning), but not necessary to affect the plan.
- vii. While the planning mandates have been issued in different periods to tackle imminent problems at time of inaction, C.P articles in planning mandates seems to be a replica of each other in terms of who is involved, how and when. This raises an argument whether community participation in planning mandates is seen as rituals rather than responding to the social and political circumstances

## 6. CONCLUSIONS

Albeit this article did not include any case study to testify whether the actual planning practice is generally echoing research outcomes, nonetheless, research findings suggest that community participation is not restricted only to mobilization as noted by Abureidah, [5]. Participation as a recipient of information, coupled with citizens' right to appeal, dominates the planning mandates guidance on C.P. In this regard, features of non-participation and tokenism, as stated by Arnstein, [1] are strongly observed here.

Hence, simple suggestions to improve how planning mandates conceive of C.P should incorporate the necessity to enforce a set of planning articles that mandates genuine C.P in planning and provide citizens more control over issues affecting their lives. However, both planning theory and practice have shown that mandating C.P is not enough to ensure its vitality as it might end up to be a set of rituals that are practiced because the law requires them (see Chetkow-Yanoov, B. [27] and Innes, J. E., and Booher, D. E. [24]). A culture that promotes and encourages C.P is necessary to be prevalent if the participation practice is hoped to be effective.

The obtained findings show that three out of the four mandates studied were initiated to respond to the growing

issue of informal settlements that dominated the urban theme in the country from 1980 up to 1994. Although this explains why C.P guidance in planning mandates focused on the "re-planning" process, a formula that integrates C.P mandates to the planning processes required, especially with the recent economic development, urban changes and increasing urbanization?

To ensure that planning mandates provide better guidance for planners, this article suggests:

- i. Planning mandates should encourage C.P to start as early as possible and to be ongoing. This is especially necessary at the early stages of planning up to the approval.
- ii. Rather than considering C.P as a relationship between state agencies and citizens (see Fig.1), planning mandates need to emphasize that diverse stakeholders who have legitimate interest in the plan should be included.
- iii. Planning mandates also should encourage and stress the use of diverse techniques of participation. At this point, we understand that the best participation technique is inclined directly to participation objectives. Thus the latter as well should be encouraged to be defined at the beginning of each participation process.

The conclusions drawn by this article do not imply that planning mandates do not provide C.P guidance to planners and policy-makers; on the contrary, they are akin to building blocks of basic informative C.P that focus on quantitative approach. Nonetheless, it should be noted that by laws/mandates sometimes lead to system inefficiency if not associated with authentic culture that promotes participation, this is a necessary step to retain and maintain sustainability of the participation process. In this regard, while this article shows how the mandates category of planning tradition interprets C.P, research in this matter is encouraged to touch upon the other two categories explained at the beginning of this article.

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