

9.0 LESSONS LEARNT FROM PUBLIC PARTICIPATION PROGRAM IN THE JICA MELAKA STUDY

9.1 Public Participation in Existing Planning Procedure and the Local Agenda 21

(1) Development Planning under the Town and Country Planning Act 1976

Public participation as part of the process in the formulation of a development plan or improvement program for a physical area is provided in the Town and Country Planning Act 1976.

This Act details out the planning powers of the local authority and enables it to be a local planning authority as well as a development agent authorised with the role of a catalyst, for development of the area under its jurisdiction.

Development control, which emphasises land use and buildings, is a mechanism practised by the local authority to carry out the management of its area. It ensures that development conform to technical requirements, by-laws, statutory development plans and government policies. In 2002, amendments were proposed to provide more legislation to support heritage conservation. Once implemented it would become mandatory for local authorities to preserve and conserve buildings and site of heritage value.

There are three levels of statutory development namely:

- National level: The National Physical Plan and 5-Year Malaysia Plans
- State level: Structure Plans
- Local / District levels: Local Development plans

The Town and Country Planning Act mandates local development plans. **Public participation** is an integral part of the preparation of these local development plans and local authorities are required under the Act to publicise drafts of local plans and seek public comments before gazetting them.

In recent amendments to the Act, Special Area Plans have been introduced. These are highly localised, neighbourhood area level development plans for areas of special and specific interests such as a heritage conservation area. The preparation of Special Area Plans are similar to local plans but with the added aspect of implementation of initiatives and management of the area.

It is envisaged that the Action Plans that are mentioned in this Reference Manual should be addressed in Special Area Plans. The public participation process described in this Reference Manual does not detract from the statutory requirements but instead strengthens public participation aspects of it by introducing public participation from the early stages of issue analysis and action planning instead of merely commenting at the end of the process.

(2) Local Agenda 21

Local Agenda 21 (LA21) is a **local authority** programme to develop **partnerships** with local communities and businesses to plan and then to work **towards sustainable development** in their towns. The JICA Melaka Study and this Reference Manual adopts the wider meaning of urban heritage development and improvement to be an integral part of sustainable urban development and as such finds relevance in LA21.

LA21 originates from **Agenda 21**, an international action plan for global sustainable development that was endorsed by over 178 countries, including Malaysia at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992.

(a) Sustainable development and local authorities

Chapter 28 of Agenda 21 entitled "Local authorities initiatives in support of Agenda 21" states that *"Because so many of the problems and solutions being addressed by Agenda 21 have their roots in local activities, the participation and co-operation of local authorities will be a determining factor in fulfilling its objectives. Local authorities construct, operate and maintain economic, social and environmental infrastructure, oversee planning processes, establish local environmental policies and regulations, and assist in implementing national and sub-national environmental policies. As the level of governance closest to the people, they play a vital role in educating, mobilising and responding to the public to promote sustainable development"*.

The same chapter directs *"Each local authority should enter into a dialogue with its citizens, local organisations and private enterprises and adopt "a local Agenda 21". Through consultation and consensus building, local authorities would learn from citizens and from local, civic, community, business and industrial organisations and acquire the information needed for formulating the best strategies. The process of consultation would increase household awareness of sustainable development issues. Local authority programmes, policies, laws and regulations to achieve Agenda 21 objectives would be assessed and modified, based on local programmes adopted. Strategies could also be used in supporting proposals for local, national, regional and international funding"*.

Currently over 6,000 local authorities in more than 100 countries practice Local Agenda 21.

(b) Sustainable Development and the Study

Sustainable development is often described as development that *"meets the need of the present without compromising the ability of future generations to meet their own needs"*. To ensure that urban development can be sustainable for future generations to become their heritage, there must be a balance and integration of economic development, social development and natural and built environmental management and conservation.

The goal of sustainable development is also in line with the Study as the latter's objectives are not confined to conservation of the historical built environment alone but more importantly to **improve the overall urban quality** of life in the area. This encompasses social, environmental, and economic as well as cultural aspects of urban development.

(c) Local Agenda 21 in Malaysia

In Malaysia, the Ministry of Housing and Local Government (MHLG) implemented a pilot project on LA21 from year 2000 to 2002 in Miri Municipal Council, Petaling Jaya Municipal Council, Kerian District Council and Kuantan Municipal Council. The development objective of this pilot project was *“to strengthen sustainable development activities at the local level through a process of participation between the Local Authorities and the local community with support from the other stakeholders.”* In achieving this, LA21 in Malaysia sought to:

- Improve **community participation** in the development and improvement of their urban environment
- Develop working multi-stakeholder **partnership mechanisms** to study and address local sustainability issues
- Develop **local capacity** to act in an integrated manner towards sustainable development through the use of strategic Action Plans
- To **implement tangible programs** and activities through these Action Plans to improve the urban environment

The Pilot Project's overall objectives were met by the end of the project duration in February 2002 and in June the same year, MHLG announced the expansion plans for LA21 to all municipal councils and cities in the country including **Melaka**, in line with Malaysia's commitment to sustainable development and public participation.

9.2 Public Participation in the JICA Melaka Study ⁷

The JICA Melaka Study was conducted to prepare plans for the improvement of the urban environment and heritage conservation in Melaka. This Study covers the conservation zone as stipulated in the Melaka Structure Plan.

Public participation was the main thrust of this Study to be adopted as the approach in carrying out the various study analyses and preparation of the proposed improvement plan (called Area Wide Development Plan, or AWDP). The process in public participation was conducted with techniques gained from the Local Agenda Pilot Projects in Malaysia.

Two levels of public participation were conducted under this Study. The first was a Visioning and Analysis of Issues Workshop. (Steps 1 and 2 of this Reference Manual). The second was a Formulation of Action Plan (Pilot Projects) and Implementation Mechanism Workshop. (Steps 3 and 4 of this Reference Manual).

Publicity and activities to raise the awareness of the public and stakeholders were carried out by means of producing and distributing flyers on the Study to the local residents and community leaders. In addition, a household interview survey was conducted to obtain baseline data and to understand the details of local issues and priorities of local communities.

The results of the Study was publicised through a seminar held after the completion of the Study.

There are many valuable lessons that had been learned from the conduct of these public participation workshops in the course of the JICA Melaka Study. These lessons should be carefully considered by any implementers of future public participation workshops using this reference manual.

(1) Quality of participation

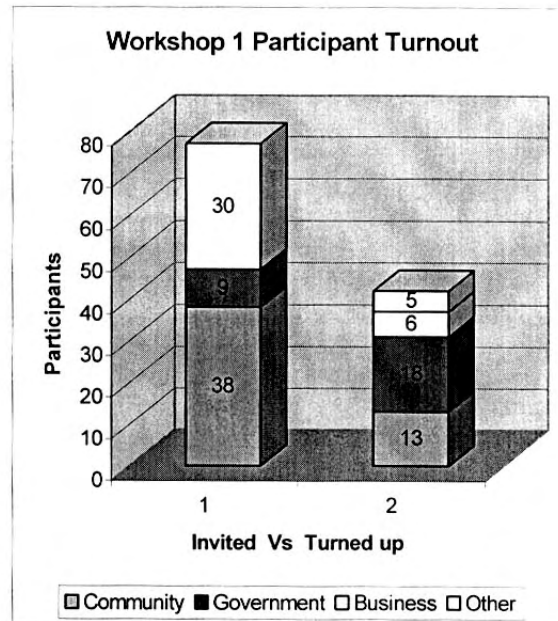
The participation at the Public Participation activities is an area that needs to be strengthened.

Using Workshop 1 as an example, it was found that although 77 invitations were sent out following one-to-one verbal confirmation, only 42 participants registered. Of these 42 registered participants about 25 remained for the workshop to discuss issues and contribute views.

⁷ "The Study on the Improvement and Conservation of Historical Urban Environment in Historical City of Melaka" was conducted by JICA Malaysia Office in 2002, with the close collaboration of the Melaka Municipality (MPMBB).

Some feedback received that may help improve future initiatives included:

- Some community and business stakeholders felt that 10.00 am on Sunday would be a better time to meet because they did not have to take time off work.
- Some interested stakeholders were not invited to the workshop and were not aware of it.
- Being the first Saturday of the month non-working day, many government officers are unwilling to spend their personal time at this workshop. It was suggested that future activities should be held on working Saturdays.



Of the invited participants, the turnout of the business was the lowest with only 20% of the 38 representatives invited turning up. This was followed by the community with 34%. MPMBB officers and councillors supported the event strongly at registration time however the participation of other government agencies was not as significant.

While it has been said that that government officers preferred working days for public participation events and that business and community preferred non-working hours, this is not reflected in the actual turnout at registration time.

(2) Facilitation Skills

It was observed that the core stakeholder / facilitators from MPMBB, MHT and PERZIM were capable and worked well with participants. Notwithstanding this, it is recommended that facilitators be offered formal facilitator training to further improve their skills and for uniformity of approach for future workshops. It is also recommended that staff from the Task Force and the Local Authority work closely together with these facilitators to learn the basic skills of facilitation in future public participation workshops.

(3) Language

It was observed that English was the preferred language for many of the facilitators. It was also observed that most of the participants spoke in English although most were able to understand *Bahasa Melayu*. One participant was able to communicate solely in Chinese.

The issue of language should be reviewed to see if it might be able to improve stakeholder participation in the study.

(4) Format and structure approach

It was observed that the structured approach of discussion using a pre-determined format with areas of concern identified produced consistent results quickly and effectively. While participants were not stopped from airing their grouses, their discussions were guided towards constructive inputs that addressed specific issues that had been agreed by the groups.

Therefore, if time is a major constraint, the use of such structured method is effective. If time is not a constraint, less structured method may be used, as this would allow the stakeholders to express their ideas more freely. However, such unstructured method requires time and effort in streamlining all the issues in relation with other Study Groups.

(5) Participant views and attitude

Participants were able to discuss negative and unsatisfactory aspects of Melaka with ease. In some cases, participants found it challenging to answer the question “What are the good things about Melaka that we should retain”.

Participants also tended to describe issues and solutions as though they were not part of the equation. That is to say, a third party gave rise to the issues (i.e. other people drive cars causing traffic) and a third party must act (i.e. government should intervene). Participants generally were not able view themselves as contributing factors to issues and solutions.

Future efforts should focus on important and positive aspects of development in Melaka to balance viewpoints. Effort should be made to highlight the participants’ role in the development of the town. Facilitators should try to point out to stakeholders that their actions do contribute to these issues they raised, so that they would be more aware of their future actions.

(6) Time

The Study's public participation program used some LA21 elements as a model and strived to carry out some processes such as Partnership, Community-based Issue Analysis and Action Planning. However, due to the **limited time** allowed in the Study, not all elements could be carried out and those that were, still require strengthening.

Furthermore, the public participation activities themselves were drastically shortened and many participants expressed that the workshops were too short to properly discuss issues in depth. Participants also stressed that this consultative and public participation process should **continue** and be followed up so that they may be continuously involved.

(7) Motivation

Local authority management, State government and community leadership **need to see the benefits** and need for public participation in development planning. At the operational level, local authority and government officers need to see how public participation can help them in improving the urban environment and their daily duties. They must accept the fact that public involvement renders their proposals more acceptable and able to gain support from the local residents and communities. At the community level, stakeholders need to see the benefits in participating in the decision-making processes of urban improvement and re-vitalisation, so that their aspirations and problems can be examined and resolved by the planning authority.

(8) Resources

For public participation programs to be effective, there needs to be sufficient financial and other resources allocated for it. However, the local authority and public participation task force should look beyond purely monetary support as community resources such as volunteers and complementary community programs can contribute significantly towards their public participation programs in the spirit of partnership. This can only be attained when stakeholders at every level are motivated towards public participation. In fact, holding meetings and workshops in local community venues instead of government offices or hotels help in fostering local partnership and openness.

(9) Human capacity

There needs to be sufficient trained staff as well as community volunteers that are skilled to organize and facilitate public participation events effectively. This can be achieved through training in facilitation and multi-stakeholder participatory planning skills.

(10) Implementation mechanisms

Existing statutory mechanism for public participation need to be strengthened and / or fully implemented to facilitate public participation in urban development decision-making processes. Municipal practices and policies may be upgraded to internalise public participation. On the operational level, the effective managing of events is vital to ensure full participation; this would include secretarial support and sending out invitations in good time.

A Reference Manual such as this document must be produced and used for training of the local authority staff involved in public participation.

(11) Management

All public participation programs need to be well managed to ensure that public input is duly processed and their expectations are met. Public participation needs to be coordinated with the implementing agency's other parallel functions to ensure

that there are no conflicting situations that may arise which would undermine public confidence.

An early partnership started between MPMBB and MHT and PERZIM and this should continue to be strengthened to include other stakeholders. Community-based Issue Analysis and Action Planning were initiated through the two Public Participation Workshop, although these will also require strengthening. The other processes of Implementation and Monitoring and Evaluation and Feedback fall outside the scope of the Study.

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