OPENING GOVERNANCE

Editors **Duncan Edwards**
and Rosie McGee

Contents

When Does the State Listen?

**Miguel Loureiro, Aalia Cassim, Terence Darko,
Lucas Katera and Nyambura Salome***

Abstract In this article, we look at four cases of key historical policies in Ghana, Kenya, South Africa and Tanzania to examine how states engage with citizen voices. The policies all took place in contexts of political change and major junctures of democratisation. We identify three kinds of moments when the state listens: hearing moments, when it engages with citizen voices but does not change the way it acts; consultation moments, when it engages with citizen voices through two-way dialogue, resulting in one-sided action; and concertation moments, when coalitions between reform-minded officials and politicians and organised citizen voices engage in two-way dialogue and action for accountable governance. Concertation moments occurred when there was a shared sense of urgency and a common goal across state and non-state actors, and despite different understandings of accountable governance. But concertation moments are also laborious and temporary, part of larger, ever-changing policy processes, and often states revert to consultation or hearing.

1 Introduction

The focus of the Making All Voices Count (MAVC) programme[1] is the narrowing of the state–citizen communication gap. State–citizen communication is an important element of social justice – the fair distribution of opportunities, privileges and wealth within a society. Growing social inequalities, lack of proper public services, and denial of basic human rights all act to widen existing gaps between states and citizens. Key to bridging these gaps is ensuring not only that citizen voices are heard, but also that government has the capacity and incentive to listen and respond. Much of the literature on accountability focuses on citizen voices, but there is a need to bring more of the state back into the equation. Turning MAVC on its head, we chose to look at the state and see when and how it listens, to which actors; and why, at times, it chooses not to listen. In other words, we chose to look for instances of accountable governance, when the state can be accountable and responsive to citizens' voices.

We interviewed key actors across the state–citizen spectrum involved in landmark social justice policy processes across four countries – Ghana

(national health insurance), Kenya (digitalisation of governance), South Africa (social protection) and Tanzania (primary education) – trying to trace moments in policy creation, revision and implementation when the state listened. We chose these cases as they happened at major junctures of the democratisation process of these four countries: the first democratic transfer of power in Ghana; the first elections under the new Kenyan constitution, in the aftermath of the ethnic electoral violence of 2007–08; the first elections under universal adult suffrage in South Africa; and the first multi-party elections in Tanzania.

We noticed some similarity in the conditions that made groups and individuals within the state more receptive to collaboration, even challenge, from civil actors. One was a common sense of urgency, a sense of public and political pressure to drastically change old policies, or come up with new ones. The other was the sense of a common goal for an accountable, responsive state – even if different actors understood this in different ways. What we noticed as we delved further into these four cases was that the state listened more at moments when actors from both within and outside the state met to discuss, collaborate, confront and act.[2] We label these 'concertation moments', when state actors and citizen groups meet to go beyond dialogue and try to fix society; not to be confused with 'consultation moments', when state actors listen to citizen groups and act, nor with 'hearing moments', when state actors hear but do not listen.

In the following section we explain further what we mean by concertation moments, before presenting the four case studies and analysing the outcomes of the state listening or not to its citizens.

2 State responsiveness: hearing, listening, concerting

Behind many accountability interventions is the assumption that since information is power, citizens armed with information can make public officials more accountable, reducing corruption and mismanagement, and leading to more accountable, responsive and effective governance (Kosack and Fung 2014). But outcomes of the causation chain which is assumed by this underlying hypothesis are rarely examined (McGee and Gaventa 2011), and while there is significant work on accountability, relatively little of it is theoretical or conceptual. Fox (2015: 353), however, proposes a series of conceptual propositions to inform attempts to increase the impact of social accountability strategies, emphasising the potential synergy between (citizen) voice and 'teeth', the state's capacity to respond. We still know less about the teeth, and more about the voice. There is a need to bring more of the state back into the equation, and not see it as a problem only (Coston 1998); it has the power to support as well as to impede social accountability (Brinkerhoff and Wetterberg 2015). Fox (2015) calls for boosting both public responsiveness and citizen engagement, and we concur with his argument that voice alone is not sufficient (Fox 2007).

There is a wide spectrum of state responses to accountability (Blair 2011), from opposition through indifference to accommodation; but we argue that governments also hear, and listen, and 'concert'.

Concertation moments happen when there are coalitions between reform-minded public officials and organised and empowered constituents; they are what Fox (2007) calls the social foundations of accountability. These moments go beyond political concertation – when political parties across the spectrum of dialogue agree on a common goal; beyond social concertation – when employers and employees, mediated by the state, agree on common goals; and beyond corporatism. Concertation moments involve most of the old actors present in these three sociopolitical organisational forms, but also new actors with new public expectations, ruly and unruly, at times using new forms of engagement to 'fix' society, to 'concert' it through dialogue and public action. This happens when all key actors are brought together, building consensus through a series of negotiations (Coston 1998) – not necessarily a common feat.

We further differentiate state responsiveness between hearing, listening and concerting. The state hears when it engages with citizens, but it does not change the way it acts, paying lip service to 'openness' and e-governance without changing low levels of responsiveness. The state listens when it engages with citizen voices by consulting them – or arranging for some entity to consult them on its behalf – in a two-sided dialogue, but one-sided action. Finally, concertation moments happen when state actors and citizen groups engage not only in a two-way dialogue, but also act together.

3 Case studies

Our case studies illustrate the circumstances under which concertation moments happen, where coalitions between organised and empowered constituents and reform-minded public officials attempt to concert society; but we also discuss processes where they fail to occur. In light of Joshi and Houtzager's (2012) observation that most studies on accountability do not look at the longer trajectory of state–citizen relationships (they forget the history), nor at the networks that underpin specific social accountability initiatives (they forget the social), nor at activities outside the initiative that can influence outcomes (they forget the context), we try to touch on all these aspects as we describe our case studies.

3.1 Ghana: concertation and consultation for universal health care

Since the early 1990s, democracy in Ghana has consolidated. An array of parties has contested six elections, although two – the National Democratic Congress (NDC) and the New Patriotic Party (NPP) – have dominated parliament and the presidency. Keeping these political actors in shape are an array of active civil society organisations (CSOs) and a vibrant media. Ghana signed up to the Millennium Development Goals and adopted a Poverty Reduction Strategy Paper to access debt relief, which in turn had some influence on government actions regarding public goods. Democratic development, coupled with pressure from donor agencies, helped shape political transformation in the relationship between the state and its citizens.

The health sector was affected by these changes. In the mid-1980s, as a result of structural adjustment, Ghana introduced a payment system for health care at the point of service (known as 'cash-and-carry'). This excluded people from accessing health care if they could not afford it. Within a decade, the ill-effects of the system were widely felt, and the media carried frequent reports of people dying for lack of medical care, patients being refused entry to hospitals, and even stories of babies and their mothers detained in health facilities, unable to pay. With the media and CSOs raising their voice on the woes of the system, the lack of universal health care became a central point of debate during the 2000 general elections. Alongside the media and civil society were an array of actors that had piloted health insurance schemes, including bureaucrats from the Ministry of Health (MoH) that had been involved in feasibility studies, faith-based groups that had started insurance schemes in private hospitals, and bilateral donors that had implemented community-based mutual health insurance schemes.

The NPP made the end of cash-and-carry a rallying point of their electoral campaign, which proved important in their electoral victory in 2000. Lacking a clear direction for the structure and financing of the health insurance they aspired to implement, President Kufuor set up a task force to support and advise the MoH on the development of a National Health Insurance Scheme (NHIS). Members of the task force were either considered to have some technical knowledge on the subject, or to be important stakeholders. Most were MoH bureaucrats, but there were also representatives from trade unions and the now-defunct Ghana Health Care company. Many of these actors served as catalysts for the development of NHIS by providing useful lessons for what became the structure of health insurance. Two issues, though, were highly contentious within the task force: how the state should find the money to pay for the scheme, and whether it should be a centralised single-payer social health insurance system or a decentralised community-based health insurance system. The task force eventually settled on a hybrid arrangement that became the draft policy for wider public consultations, and the Minister of Finance proposed using a portion of value-added tax and deductions from social security pensions. Unions protested these costing mechanisms until eventually the NPP – pressed for time to pass the NHIS law before the 2004 elections – allowed union members to enrol for free.

As the draft policy proceeded towards stakeholder consultations, the chair of the task force and the Minister of Health were both replaced. The new incumbents brought new people – other bureaucrats from within the MoH, and different 'expert' consultants – into the task force, and some of the original members left because of deviations from the agreed hybrid arrangement and political differences with the new members. According to the new chair, after listening to the views of various stakeholder forums, the task force had to change the original policy draft. The NHIS Act was eventually passed into law and implementation begun in 2004 before the elections. The ruling

NPP party were returned again, and vigorously continued NHIS implementation of the scheme with the gradual addition of districts.

In 2006 the new Minister for Health suspended all services of the scheme and commissioned a financial audit. This came as a result of general complaints from the public and local board members of the district health insurance schemes across the country concerning the operations of scheme managers and start-up consultants (Agyepong and Adjei 2008; NHIA 2008). The audit findings suggested some mismanagement in some districts and, as implementation continued, more challenges appeared (Gobah and Zhang 2011). The NDC promised to fix these problems and review the scheme to provide further coverage for basic care for all if voted into power. When it won the 2008 elections, it appointed a new director to start the process of resolving the challenges and eventual review of the law. This director commissioned a consulting firm to examine the policy and legislative review of the scheme and hold a series of strategic meetings with several actors. They conducted three validation meetings across the country, to deliberate on and validate the legislative proposals. During the review, the NDC remained silent about NHIS funding arrangements, unable to fulfil one of its electoral promises of ensuring a one-time payment of premiums for all. An array of CSOs, health-care practitioners, trade unions, faith-based organisations and academics are all demanding that the government deal with the challenges associated with the scheme. Barely a year before the next elections in 2016, the Minister of Health has commissioned a(nother) seven-member technical committee to review the implementation of the NHIS and recommend ways to improve the scheme.

3.2 Kenya: engaging the state through e-government

Kenya's 2013 election was won by the Jubilee Alliance. Calling themselves throughout the campaign 'the digital team', and their opponents – the Coalition for Reforms and Democracy (CORD) – the 'analogue' team, they promised Kenyan youth, the majority of both the electorate and the unemployed, that their digital revolution would boost employment and fight corruption. Yet many of their information and communications technology (ICT)-related policies were already present before 2013: the Government of Kenya's Vision 2030 had highlighted the critical role ICTs play in economic development, and aimed for them to generate 8 per cent of gross domestic product (GDP); the development of the Universal Service Fund Act, to universalise access to ICTs throughout the country and improve public goods; and the 2010 Constitution, which states that ICTs are to play a key role supporting service delivery, making civil servants' actions transparent and accountable, and create jobs. Two years later, the government has a plethora of e-government platforms including a website publicising what they do and an e-citizen platform. In addition to these initiatives, all ministries have some online information; county governments are shifting to digital; one-stop shops (Huduma centres) have opened for those who need individualised IT support; and there is an open data platform where census data and government reports are uploaded. Government leaders also make use of social media platforms on a daily basis.

While many Nairobi inhabitants – including students, entrepreneurs and professionals – use e-government services online, many others across the capital and beyond it are either not aware of these platforms, or lack access to the internet and broadband connectivity. And even for those citizens who are able to access the government's e-services, the experience is not always easy. For instance, much of the online contact information provided on different ministry websites is inactive and the demand for services in Huduma centres is much greater than the supply.

E-platforms have not only the potential to provide citizens with access to public services and information, but also the spaces to enable and promote democratic engagement. Yet, only a minority of Kenyans engage with a bureaucrat or a public official through an online platform. And although politicians are seen to listen more when citizens hold public demonstrations, public outrage in the social media has of late made them aware of citizen demands. Indeed, there is a growing number of young Kenyans who have taken up social media platforms to raise critical issues in the government, such as the (mis)use of government funds and corruption.

Within the state, it seems that bureaucrats and public officials are less enthusiastic about the use of ICTs for citizen engagement. Their view is that citizens do not know how to engage: they use ICTs less for dialogue, and more for either complaints or demands. All they hear on their e-platforms are criticisms and opposition to their actions or behaviour. Bureaucrats – in a twisted understanding of what demand-driven is – say that it is for the public to develop the interest of e-platforms, because otherwise they would in future have no choice if they wanted those services. They feel, having set up these platforms, that it is now the citizen's responsibility to use them. Bureaucrats recognise that they have, at times, to listen to citizens, as this is an agenda spearheaded by the president. Yet, they often appear to listen to more powerful actors instead: the telecom industry (important partners in ICT project implementation), donor agencies (who support their initiatives), as well as unions and consumer associations. One of the bureaucrats we interviewed observed that while citizens do not know what voice and mode to engage the government with, politicians do not help the situation, since they too do not know how to listen to their constituents.

Politicians interviewed refuted this point, arguing that they do know how to listen. In the words of one MP, the problem is that 'citizens do not know how to engage with their leaders'. Meant to be key actors in the new era of e-governance, many politicians are fully and explicitly aware that most of their constituents cannot access it, and need other forms of engagement, such as *barazas* (public forums), if they are to engage at all with their representatives. Politicians often also bear the brunt of fierce personal criticism through e-governance spaces, and sometimes simply do not like to hear what citizens have to say. For instance, when a group of youths formed a WhatsApp platform to engage with their local MP, so much of the discussion was personal

criticism and negative feedback that the MP was put off from listening to their underlying, wider problems.

In Kenya, politicians and bureaucrats are interested in using ICTs to boost economic growth and get procedures in place to improve service delivery, but are less interested in using them to improve the larger processes of governance. The shift from passive citizens accessing public services to that of active citizens engaging the government requires a concerted effort on all parts. Yet, government's measures to enable active citizen engagement fall short of listening to citizens. When citizens are making themselves heard, government actors often do not listen because they do not like the sound of what people are saying to them: that they have massive needs for very basic services, and that they do not like to see powerful government figures waste public funds while their needs go unsatisfied.

3.3 South Africa: when policy champions move away

One of the largest-ever single collaborative efforts between South Africa's Department of Welfare and civil society was the restructuring of the country's social grant system. Social grants have always been part of South Africa's welfare system, dating as far back as the early 1900s. Under apartheid a state maintenance grant (SMG) was provided, but most of the recipients were white. In the transition from apartheid to a democratic government, the Department of Welfare drafted its 1997 *White Paper for Social Welfare,* delineating a new vision for extending social welfare. It looked beyond merely keeping the poor above the poverty line towards a vision of developing communities and empowering the poor to thrive, to weaken their dependence on government transfers. It acknowledges that the government cannot do away with poverty and income equality alone, and emphasised the need for civil society to facilitate much of the change. State and civil society together made a strong case for replacing the SMG with the Child Support Grant (CSG), the first welfare tool to de-racialise the welfare system and support those in need.

The policy champions behind these changes were led by Francie Lund (Chair of the Lund Committee on Child and Family Support, which assisted with the conceptualisation and implementation of the CSG), Geraldine Fraser Moleketi (Minister of Welfare), Leila Patel (Director General of Welfare), and a host of actors from the apartheid resistance movement, social workers' associations, unions and non-governmental organisations (NGOs). Both Lund and Patel had extensive experience in academia prior to their involvement with the Department of Welfare and were also trained as social workers earlier in their careers. Moleketi, on the other hand, had little knowledge of welfare but was highly respected within the Tripartite Alliance (between the African National Congress (ANC), the South African Communist Party, and the Congress of South African trade unions) that made up the ruling government in 1994.

After the end of apartheid, the mass unity that was needed to fight against an oppressive regime diverged, as did the interests of the various actors involved in welfare. The champions involved in the conceptualisation and implementation of progressive social grant policies left shortly after the White Paper was passed in 1997, leaving a gap in technical expertise in the Department of Welfare.[3] Their absence led to a gradual departure from the original vision and momentum. While policy champions are unlikely to stay in the tiers of government over a number of decades, ensuring the success of a policy promoting developmental social welfare ideals would have required at least some actors prepared to maintain the original vision. Alternatively, new champions need to come up with new ideas on social change in welfare.

A shift towards developmental social welfare policy requires not only significant technical and managerial support, but also – most critically – an understanding of the landscape of welfare in South Africa. In 1994, the Department of Welfare included a number of technical experts who had both a foundation in theory as well as practical implementation through their social work background. They also consulted a number of experts in the field to develop new welfare policies. While the administrative capacity and infrastructure of the welfare system is well established today, technical expertise and innovation is limited. In addition, the window of opportunity to change policy is unlike that which existed 20 years ago. South Africa's social welfare system has produced a number of positive outcomes through social grants, but there seems to be a lack of urgency. Politics ultimately determine which services are funded, and social grants – seen as a 'vote-catching' tool – make the government unlikely to move resources away to other areas requiring funding. The critical success factors for policies such as the CSG being implemented include credible leadership, diverse practical expertise in the areas that drive change, strong administrative capacity, and the confidence of politicians (Patel 2014). The DSD leadership today is far less consultative, academia works independently from government – often criticising government actions from afar – and NGOs have limited capacity to advocate change as they are often subcontracted to and financially dependent on the state through their service provision activities.

After the regime change in 1994, poverty levels in South Africa declined, mostly due to the impact of the social grant system (Van der Berg 2010). Yet while social grants have moved individuals out of poverty, inequality remains persistently high. When the champions of the White Paper left, so too did their teams, and with that key advocates of the developmental welfare model were lost. Policies such as the CSG had very detailed implementation plans, but welfare services overall were less detailed. Today, South Africa's welfare budget favours social assistance in the form of cash transfers. Over the past 20 years, policymakers have been unable – or unwilling – to shift from the notion of poverty reduction to a vision of inclusive growth that reduces income inequality.

3.4 Tanzania: when the state does not like to listen

Since 1995, the year that Tanzania held its first multi-party elections, the government has come up with three policies for reaching universal primary education (UPE), one of Tanzania's aims since Independence. By the end of the 1970s, the state – through a determined effort that involved allocating a serious proportion of its national budget to education, increasing the number of schools and teachers, making primary schooling compulsory and free – almost attained UPE. But it could not afford to sustain this effort and, with pressure from the international financial institutions (IFIs), from the early 1980s it decreased the overall percentage of GDP allocated to education, shifted its educational policy towards cost-sharing, and introduced enrolment fees (URT 1993).

Education was a contentious and highly debated topic in the run-up to the first multi-party elections. To revitalise the education sector, the government released its *Education and Training Master Plan*, a centrally-planned policy with input from academics and donors. Although there was an expectation by CSOs that this policy would increase the participation of citizens in making key decisions in the education sector, neither CSOs nor citizens were part of the process of formulating this policy. Government officials, including those who were in charge of the sector at the time, felt that the policy recognised the importance of expert views of the problems facing the education sector, and that it clearly stated future directions and what was needed to take education in the planned direction. CSOs, though, were quick to highlight that the quality of education remained poor because the government did not involve citizens and other education stakeholders in the sector.

The government could only afford to implement changes in primary education five years later, when through its Poverty Reduction Strategy Paper it became eligible for debt relief. With heavy involvement from donors and IFIs, channelled financially and ideologically through the Millennium Development Goals, the government created in 2001 the Primary Education Development Plan (PEDP). This included an increase in teacher recruitment, investment for new buildings, the abolition of school fees, and the empowerment of school committees. Under PEDP, donors agreed to come together and fund education as one entity, rather than a myriad of projects. But citizen involvement was limited to consultations, especially during the planning stages. As PEDP progressed, CSOs started flagging that drastic increases in the quantity of teachers were coming at the expense of quality: the newly-hired teachers had not been trained properly; students were not progressing to secondary education; and the focus on publicly-funded primary education was happening at the expense of publicly-funded secondary education. Parents that could afford to shifted their children to the private sector, accelerating the creation of a class-based two-tier education system (HakiElimu 2008).

While in the early 2000s the initial increase in school enrolments made citizens happy with the state of education in Tanzania, by the end of

the decade there was a growing discontent. By 2008, PEDP was halted, and the government started a series of consultations with different stakeholders, including many of the CSOs that had been more vocal about changing the education and training policy. The 2014 Education and Training Policy Plan came out in 2014, but there was little sense that the comments of those consulted were reflected in the final document. According to some who participated, they were called into certain meetings to provide inputs towards a new planned education and training policy, but few of the things that they suggested were reflected in the final document. As the issue once more became a media discussion point in pre-election year, the president launched another consultation after the launch of the report. It is not clear at this stage how, or whether, the final policy document could be revised to incorporate stakeholders' comments, given that it has already been launched.

The relationship between the Tanzanian state and CSOs has been one of 'pointing hands' at each other. Discussions with both government officers and CSOs working on education suggest that there is an antagonistic relationship between the state and CSOs. Government officials do not like to listen to CSOs because they feel that they know what the problems with education are, and that they know how to solve them. While acknowledging that CSOs have a positive role in highlighting some of these problems, they are not happy with the fact that CSOs release their findings and critiques to the public through the media – with whom government officers and politicians also have an antagonistic relationship – rather than to government first. Public officials would prefer it if CSOs identified research priorities with government departments responsible for education; if research is done in collaboration with the government, they will own the findings and thus make implementation easier. The high number of CSOs in the education sector puts forth a multitude of proposals, with which the government has neither the time nor the capacity to deal. On the other side of the equation citizens that attended public meetings state that they do not raise issues as they claim the government rarely listens to their voices, especially on policy (REPOA 2012). CSOs add to this view by saying that their voice is 'out there', but it never appears in official documents.

4 Voice, responsiveness and political competition
These cases all illustrate the limitations as well as the potential of citizen engagement and of the role of changing coalitions within government. Across all cases, actors within and outside the state had a common sense of urgency to make health care or education universal, to increase the access of welfare to a previously marginalised population, or to use new technologies to fight corruption and create jobs. They also shared a sense of aiming for a common goal, for an accountable responsive state, even if different actors understood it differently. Each case happened during a political moment in each country's recent history when citizens were also more assertive, willing to engage directly with government officers and politicians. These citizens made use of the

political enabling environment to collectivise and coordinate citizen voice with reforms that could increase public sector responsiveness, what Fox (2015) calls a strategy for pro-accountability change. As seen elsewhere (Srinivasan 2014), increased citizen voice does not always translate into increased services; in vibrant democracies there needs to be a political competition for votes aligned with pressure from citizen groups for universal rather than targeted service provision. But while in all cases there was an increase in citizen voice and political competition, concertation moments emerged in some cases but not in others.

We can see concertation moments in the initial policy formulation in both the Ghanaian and South African cases, with task forces composed of reform-minded public officials and politicians together with empowered citizen groups, not only sitting together and discussing possibilities, but also acting together and drafting policies. Over time, there is a shift in Ghana when government changes, and the new ruling party opts to hire a consultancy firm and starts listening instead of concerting.

In South Africa the situation goes a step further, when policy champions either go away or are co-opted by the state, and shift from being advocates to being those who deliver policy, and the state goes from concerting with citizen groups to hearing them. Although it had a short concertation moment, with a coalition government drafting a new constitution, Kenya's case is punctuated by moments of listening and hearing, where a lot of concertation and consultation appears to be politics for show, rather than authentic engagement from the side of the state. Finally, Tanzania is the only case where we do not see any concertation moments. The country has its listening and hearing moments, but most of the time it seems the state firmly believes it knows how to run the show and does not need to engage with citizens, except to consult with them after the drafting of policies. The Tanzanian case is also the only one of these where there was no change in government, meaning the political actors were the same before and after the democratic shift.

5 Concluding remarks

There are few instances of strong citizen voice making a significant difference in policy processes in sub-Saharan Africa. We looked at key historical policies across four countries at major junctures of democratisation to see how actors within and outside the state interacted for accountable governance. We divided this interaction into three kinds of moments: concertation, consultation and hearing. We see concertation moments as synergies between citizen voice and the state's capacity to respond (Fox 2015), where coalitions bridge the state–society divide to attain some aspect of accountable governance. We also noticed that political competition is an important element but that, like citizen voice, political competition alone is not sufficient to achieve accountable governance.

Concertation moments, though, are not permanent. For instance, in both Ghana and South Africa there was a concertation moment during

policy design, but it got lost during implementation. Concertation needs to be ongoing, and needs to be a process: a strategy more than a tactic (Fox 2015). Yet, as we see in our cases, many times state actors prefer consultation rather than concertation: they do not believe citizen voice is knowledgeable in 'matters of the state', they do not like to hear what these voices are saying, or are simply practitioners of politics for show. Yet they still 'engage' with these voices to claim legitimacy in national and international eyes, using even passive listening as a rubber stamp to authenticate policy processes with the mark of 'citizen participation'. This is why, when researching accountable governance, we need to differentiate between hearing, listening and concerting.

Notes

*   The research on which this article is based was funded by the Research, Evidence and Learning Component of Making All Voices Count.
1   Making All Voices Count is supported by DFID, USAID, Sida and the Omidyar Network.
2   In the sense intended by Arendt (1958).
3   Now known as the Department of Social Development (DSD).

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