

**Positioning Civil Society Post-
Polokwane:**

**Coming to Terms with ANC Political
Leadership Changes**

Maxine Reitzes, Centre for Policy Studies Research
Associate

Fiona White , Centre for Policy Studies Senior
Researcher

Research report 124

**Positioning Civil Society Post-Polokwane:
Coming to Terms with ANC Political Leadership Changes**

Maxine Reitzes, Centre for Policy Studies Research Associate

Fiona White, Senior Researcher

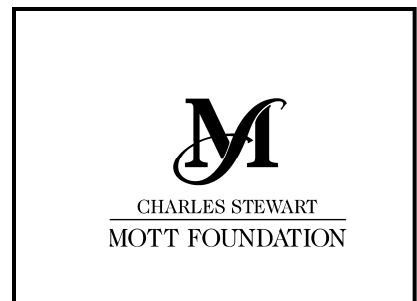
Centre for Policy Studies

Johannesburg

April 2010

This report is funded by the Ford Foundation and the Charles Stewart Mott Foundation.

FORD FOUNDATION



The Centre for Policy Studies is an independent research institution,
incorporated as an association not for gain under Section 21 of the
Companies Act.

The Ford Foundation and the Charles Stewart Mott Foundation generously provided the funding for this
research work. However, the views expressed in this report are those of the author, and do not
necessarily reflect the views of the donors

Centre for Policy Studies
1st Floor
Maths Centre
28 Juta Street
Braamfontein
Johannesburg, South Africa

P O Box 1933
Parklands 2121
Johannesburg, South Africa

Tel (011) 403-4001
Fax (011) 403-4026
e-mail: portia@cps.org.za

www.cps.org.za

ISBN 978-1-920408-09-1

Table of Contents

LIST OF ACRONYMS AND ABBREVIATIONS	6
1. INTRODUCTION	8
1.1. Structure of the report	9
1.2. Research method	9
1.3. Clarifications and caveats	10
2. THE ANC: 1990 – 2007	12
2.1. 1990 - 2009: Historical influences and experiences of the ANC	12
2.2. The internal structures and processes of the ANC	15
2.3. Mbeki’s ascent to the presidency	17
2.3.1 Mbeki in office: modernisation and bureaucratisation	20
3. THE ANC AND CIVIL SOCIETY: HISTORICALLY AND DURING THE TRANSITION	24
3.1. The ANC and civil society relations during apartheid	24
3.2. The ANC and civil society during the transition	26
3.2.1 The ANC and its relationship with civil society	27
3.2.2 Civil society and its relationship to the ANC	29
3.3. 1996	31
4. THE ANC, THE ALLIANCE, AND CIVIL SOCIETY UNDER MBEKI	33
4.1 The relationships between the ANC and civil society	34
4.1.1 The historical nature of the ANC and its impact on the ANC government	35
4.1.2 The imperatives of a modern political party	39
4.1.3 Mbeki’s ANC policy choices	41
4.1.4 The nature of the ANC’s engagement with civil society: strategies of inclusion and exclusion	42
4.1.5 Mbeki’s personal history and psychology	46
4.1.6 Caveats and consequences	49
4.2. The relationships between civil society and the ANC	52
4.2.1 Perceptions and experiences of Mbeki administration’s approach to civil society	53
4.2.2 Civil society responses	57
5. THE ANC AND CIVIL SOCIETY POST-POLOKWANE	65
5.1 Pre-Polokwane and Polokwane	65
5.1.1 Events leading up to the ANC’s Elective National Conference	65
5.1.2 Effect on alliance members	67
5.2 The Polokwane Conference	67
5.2.1 Populism and process	72
5.2.2 The Zuma-ANC and civil society relations	74

5.2.3 CSO’s responses to the ‘new’ ANC	82
5.2.4 Zuma’ personal history and psychology.....	83
5.3 Implications for engagement between civil society and the Zuma ANC.....	85
5.3.1 Implications of the ‘new’ ANC for CSOs	85
5.3.2 Strategies of engagement for civil society.	87
5.3.3 The policy agenda.....	93
6. THE ALLIANCE POST-POLOKWANE	94
6.1 COSATU, the SACP and civil society.....	99
7. LOOKING IN: CIVIL SOCIETY STRENGTHS AND CHALLENGES	102
7.1 Civil society: 1997-2007.....	102
7.1.1 Elements of strength	102
7.1.2 Weakening of civil society	104
7.2 CSOs post-Polokwane	108
7.2.1 Civil society organisations’ strengths	109
7.2.2 CSOs’ challenges.....	109
8. BUSINESS	114
8.1 The ANC and big business pre-and Post Polokwane	116
9. CONCLUSIONS: LOOKING FORWARD: CHANGING LEADERSHIP AND INSTITUTIONAL CONTEXT AND REPOSITIONING OF CIVIL SOCIETY	118
9.1 Institutional changes	118
9.2 Is the ANC more amenable to external influence?	120
9.3 How have CSOs repositioned themselves in relation to Polokwane policy and leadership changes?.....	121
9.4 The hegemonising influence of civil society	122
9.5 Strategies for engaging with the ANC.....	122
Appendix A: List of interviewees	123

LIST OF ACRONYMS AND ABBREVIATIONS

ABM	Abahlali baseMjondolo
ALP	AIDS Law Project
ANC	African National Congress
ANCYL	ANC Youth League
APF	the Anti-Privatisation Forum
BBBEE	Broad-Based Black Economic Empowerment
BEE	Black Economic Empowerment
CBOs	Community based organisations
COSATU	the Congress of South African Trade Unions
CSO	Civil Society Organisation
ECNGOC	Eastern Cape Non-Governmental Organisations Coalition
FES	Friedrich Ebert Stiftung
FOSATU	Federation of South African Trade Unions
GEAR	Growth, Employment and Redistribution Strategy
GGLN	Global Governance Learning Network
GNU	Government of National Unity
IDASA	Institute for Democracy in South Africa
IDP	Integrated Development Plans
ILRIG	International Labour Research and Information Group
LPM	Landless People's Committee
MDM	Mass Democratic Movement
MK	uMkhonto we Sizwe
NAPWA	National Association of People Living with AIDS
NDR	National Democratic Revolution
NEC	National Executive Committee
NEDLAC	National Economic Development and Labour Council
NGC	National General Council
NGOs	Non-governmental organisations
NIA	National Intelligence Agency
NLC	National Land Committee
NNP	New National Party

NPC	National Planning Commission
NWC	National Working Committee
PCAS	Policy, Co-ordination and Advisory Services
PLAAS	Director of the Institute for Poverty, Land and Agrarian Studies
PLAAS	Institute for Poverty, Land and Agrarian Studies
RDP	Reconstruction and Development Plan
SACC	South African Council of Churches
SACP	the South African Communist Party
SADC - CNGO	Southern African Development Community - Council of Non-Governmental Organisations.
SAHRC	SA Human Rights Commission
SANCO	South Africa National Civic Organisation
SANGOCO	South African NGO Coalition
SEEC	Soweto Electricity Crisis Committee
SMI	Social Movements Indaba
TAC	Treatment Action Campaign
UDF	United Democratic Front
WSSD	World Summit for Sustainable Development
WWF	World Wildlife Fund

1. INTRODUCTION

The year 2007 saw a dramatic overhaul of South Africa's governing party, the African National Congress (ANC). In what is generally accepted as a revolt against the leadership of former Party President Thabo Mbeki, the party's elective national conference held in Polokwane in December 2007 led to significant changes in its top political leadership. Party Deputy President Jacob Zuma replaced Thabo Mbeki as Party President amidst a strong call from party delegates for greater leadership accountability for and response to the needs of the poor. The new party leadership, under Jacob Zuma and his supporters, further entrenched its grip on the party's power structures by removing Thabo Mbeki as state president in September 2008 and replacing him with Zuma's deputy, Kgalema Motlanthe. For several commentators these changes signalled a new and potentially more responsive impulse within the party, not only towards party activists and rank and file members, but also towards society in general and civil society organisations (CSOs) in particular. Has this been the case, in practice, post-Polokwane?

This report presents research into whether changes in ANC leadership improved the prospects for greater openness and space for dialogue and engagement between CSOs and the ANC. It first briefly looks at the nature of the historical relations between the ANC and civil society and then examines those relationships during the transition to democracy. Second, a substantial part of the report is dedicated to investigating the relationship between civil society and the ANC during Mbeki's tenure as ANC president. Here questions of the relationship between the alliance partners, (the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP)) and the ANC are examined. The report also looks at the strengths and weaknesses within civil society during Mbeki's era. Finally, the report turns to an analysis of ANC/civil society relations post-Polokwane. A section on business and ANC relations is included. Similar themes of the relationships between the ANC and CSOs, the alliance relations, and strengths and weaknesses within civil society are again investigated.

There are several important objectives informing this research. By providing a comparative analysis of civil society/ANC relations under Mbeki and Zuma, the report hopes to stimulate clearer and more informed public and scholarly debates on the future of these relations in the post-Polokwane era of the ANC. In doing so it is hoped that intense dialogue and public debates among civil society actors in South Africa about the implications of the post-Polokwane ANC political leadership, and possible anticipated implications for the post-Mbeki government after 2009, will be undertaken. Finally it is anticipated that this report will provide better understanding of and insights into the perceptions and expectations of key civil society actors and opinion makers about the prospects for greater openness, engagement and policy dialogue between civil society and the ANC under the post-Polokwane political leadership.

1.1. Structure of the report

The introduction provides an overview of the research objectives and a discussion of research methods and limitations to the study. This is followed by a theoretical discussion defining the project's understanding of civil society as a concept, as well as a typology of civil society in post-apartheid South Africa. Section 3 focuses on the ANC, providing an overview of the organisation's history, structures, the role of Mbeki, and recent leadership changes. Drawing from primary research material, a historical overview of civil society and ANC relations during apartheid is provided, followed by a discussion of civil society/ANC relations during the transition to democracy.

The core issue of the relationships between the ANC and CSOs under Mbeki and Zuma are then addressed. Each section has three sub-themes:

- (a) The relationships between the ANC and civil society
- (b) The relationships between civil society and the ANC
- (c) Strengths and weaknesses within civil society.

These are followed by a section on relations between the ANC and its alliance partners. A subsequent section examines relations between business and the ANC. The final section concludes with an overview of the report, addressing the question of whether changes in ANC leadership improve the prospects for greater dialogue and engagement between civil society and the ANC under a Zuma-led ANC. It also provides recommendations for civil society actors, drawing from the lessons learnt during the Mbeki era and the early days of the Zuma era.

1.2. Research method

This project is a qualitative study that uses three methods of data collection. First, a comprehensive literature review and desk-based analysis was conducted to generate background information in the following key areas:

- general definitions of civil society and other key terms
- the definition and characteristics of civil society in a South African context
- the nature and evolution of South African civil society before the historic 1994 democratic fulcrum
- the relationship between civil society and the ANC after 1994
- an overview of the ANC, the SACP and COSATU, and their relationships during the past three decades.

The literature review enabled us to construct a working definition of civil society for the purposes of the report. Drawing from these discussions, and borrowing in part from Gordon White,¹ civil society is defined as:

... an associational realm operating between the state and the family. Its organisations are self-ruling, able to both engage with, and challenge, the state. Members of society join civil society organisations voluntarily to protect or extend their interests.

This definition of civil society addresses the key research question in this report: whether changes in ANC leadership improved the prospects of greater dialogue and engagement between civil society and the ANC.

The second component of the research method consisted of a series of in-depth, semi-structured qualitative interviews with civil society, ANC, COSATU, SA Communist Party (SACP) and private sector actors. Forty-three interviews (and one focus group) were conducted over a five-month period (from May to September 2009). Respondents were chosen from as broad a range as possible of civil society sectors and types of organisations. However, respondents were, broadly speaking, leaders of CSOs, rather than members of organisations. Representatives from the ANC, COSATU, the SACP and the private sector were also identified as respondents, although it proved to be challenging to secure interviews with ANC representatives.

The final method of data collection was to conduct three policy dialogue forums. These were held towards the end of the research process. Each included a small number of participants (approximately six) from cross-cutting sectors. The purpose of the forums was to allow commentators to engage with the findings and recommendations in a synopsis of the report, and to stimulate debate, thus generating additional inputs to enrich the final report.

In analysing the data and reporting on the findings, the research team has attempted to reflect the views of the interviewees and dialogue forum participants as honestly and accurately as possible. Thus direct quotations have been used extensively, and attributed to respondents. Where interviewees requested anonymity, this has been respected.

1.3. Clarifications and caveats

There are several main caveats about this research. First is the recognition of the heterogeneous nature of civil society in South Africa. The country is endowed with a large number of different types of organisations, from conservative cultural associations to socialist social movements, from small church groups to large business associations. There was neither the scope nor the time to interview actors from all these organisations. Thus,

¹ White, Gordon. (2004) *Civil Society, Democratization and Development: Clearing the Analytical Ground*, p10.

as Section 2 discusses, the project decided to focus on CSOs that both challenge and engage the government. These groups or organisations operate with the intention of influencing policy choice. Even within this realm of civil society, the research could only draw on material from a limited number of respondents, thus limitations in the scope and analysis of civil society must be recognised.

Second, the research faced limitations regarding selected respondents who could not be accessed for interviews, or declined invitations to the policy dialogue forums. This limitation applies most particularly to the ANC. Numerous requests for interviews were sent to a number of ANC representatives at different levels of the organisation; similarly, six representatives from the ANC were invited to the policy dialogue forums. None, however, attended the forums, nor were the researchers able to conduct interviews with ANC leaders. To combat this limitation the researchers have drawn from extensive writings on the ANC, as well as from a large database of newspaper clippings.

The timing of the research for this project must also be seen, to some extent, as a limitation of the study. This research investigates whether changes in ANC leadership improved the prospects for greater openness and space for dialogue and engagement between civil society and the ANC. When looking at leadership changes it must be noted that Mbeki's leadership of the ANC extended for nearly a decade, while Zuma, at the time of finalising the research, had only been president of the ANC for 21 months. Thus, the analysis of civil society's relationship with Zuma's ANC is a tentative one. It draws from limited experience with a post-Polokwane ANC on civil society's part, and to a much greater degree from perceptions and expectations of civil society leaders.

Finally, it is important to clarify the approach the report has taken to the difference between the ANC as a party and the ANC as government. The ANC is a political party and the focus of this research is to understand the nature of the relationship between that party and CSOs. However, the reality is that the ANC is also the government of South Africa, and has been for the past 15 years. Thus there are no clear lines in the sand between party and government. Much of the research material informing this project conflates the two. While the report will be explicit where issues raised are relevant to either government or the ANC as a party, it is necessary to be mindful that there is a practical overlap between how the ANC relates to civil society and how government, governed by the ANC, relates to civil society.

2. THE ANC: 1990 - 2007

The ANC is central to all things political in South Africa. But the ANC as an organization is not the same thing as the ANC in government. Of course there is an overlap, and the former remains the predominant route into the latter. But the balance of power lies within the latter.²

The distinction between government and political power is not a simple one. The two are not synonymous - but neither are they separate.³

This introductory section provides a contextual background, focusing on the power dynamics within the ANC and the alliance from 1990-2007. In so doing, it necessarily explores the historical experiences and traditions of leadership of those who indelibly marked and characterised eras of both the party and government. These are the men (and women, although studies focus mainly on men), who had their hands on the tiller of these organisations and institutions, and who steered and shaped them. Multiple working experiences and ideological positions informed different visions of democracy.

This section also investigates the alliance partners, the SACP and COSATU, and the historical relationship between them and the ANC. Common themes running through this section are those of people, policy and process. Where relevant, both internal policies of organisations, as well as public policy are discussed. Similarly, internal institutional processes as well as macro-processes are also explored.

2.1. 1990 - 2009: Historical influences and experiences of the ANC

For purposes of analysis, the period 1990-2009 can be divided into three phases: the transformation phase, from 1990-1999, referring to the political goal of qualitatively transforming society after the political transition in the early 1990s, which included the Government of National Unity (GNU) between the ANC and the New National Party (NNP) or the consolidation phase, signalling the ANC's desire to consolidate its hold on power through greater control of political and economic levers of power. The transition period ended with the collapse of the GNU when the NNP pulled out in the mid-1990s. This period included the presidency of Nelson Mandela, two Mbeki presidencies from 1999-2008, and the rise of Jacob Zuma to ANC president at the watershed ANC conference in November 2007, held at Polokwane. Kgalema Motlanthe was president between the recall of President Mbeki and the April 2009 elections, which the ANC won, installing Zuma as the country's president. We will not discuss Motlanthe's leadership of the government, as our focus is primarily on the Zuma era post-Polokwane.

These epochs are 'ideal types', not mutually exclusive, and there is often more continuity than change between them. For example, Mbeki was prime minister to Mandela's

² Calland, Richard. (2006) *Anatomy of South Africa: Who Holds the Power?* Cape Town : Zed Press, p 1.

³ Lodge, T. (2002a) *The Alliance in Power: Who Rules South Africa?* In *Politics in South Africa : From Mandela to Mbeki*. Cape Town : David Philip Oxford : James Curry, p 20.

president, and highly influential, especially in terms of economic, trade and foreign policy, before he became president. Zuma was vice-president of the party and government, and Mbeki's long-standing comrade, confidant and friend.

The ANC itself experienced three broad historical contexts. The first was of relative freedom of organisation, association and speech, and its transformation in the 1950s into a mass organisation, running campaigns that enhanced democracy, non-racialism and, to a limited extent, non-sexism. After its banning in 1961, leaders went into exile or were imprisoned. Suttner raises the question of the extent to which subsequent conditions of exile, underground, and armed struggle, "snuffed out" these traditions.⁴ In 1983 the United Democratic Front (UDF) was formed, and these characteristics seemed to be revived, but by a new generation.⁵

The dominant categories of ANC leaders can be divided into the 'islanders' - those who were detained on Robben Island; the 'exiles', who were either in African countries or overseas; the 'inziles' who remained in South Africa, many of whom belonged to organisations united under the broad umbrella of the Mass Democratic Movement (MDM) when it was formed in 1983, and those who were UMKhonto we Sizwe cadres. In turn, each of these four groups contained a mixture of cultural and historical backgrounds and experiences. For example, the exile experience was different for those who undertook military training in the Soviet Union and China, those who studied in Europe, and those who were exiled in African countries. Different foreign cultures, as well as experiences, were likely to exert influence. Furthermore, if one was in the underground, as opposed to addressing meetings and writing newspaper articles, working styles were likely to be very different. These influences were brought into the movement.⁶

These four groups had diverse experiences of the struggle to end apartheid. The 'islanders' developed a largely consensual political style, canvassing broad opinion, regardless of how long this took, before decisions were taken. The exiles, many of whom studied and became intellectuals, such as Mbeki, matured politically in world capitals. They were, and are, the most important group for potential and actual leaders of the party, as they controlled the financial, intelligence and military networks, and it was impossible to lead without their support. The 'inziles' consulted and debated widely and robustly with grassroots organisations, and in this way, received their mandates for decision-making and

⁴ Suttner, R (2002) Culture(s) of the African National Congress of South Africa [ANC]. Contribution of exile and prison experiences. Paper presented to WISER seminar series on The State we are in, University of the Witwatersrand, Johannesburg, p 4.

⁵ See Seekings, Jeremy. (2000) The UDF: a History of the United Democratic Front in South Africa 1983-1991. Oxford: James Currey and Worden, Nigel. (1994) The Making of Modern South Africa: Conquest, Segregation and Apartheid. Oxford: Blackwell, pp 143-146.

⁶ Ibid, p 6.

action from the masses.⁷ However, this internal experience can also not be typified as a golden era of popular democracy.⁸ For many organisations, their internal structures were hierarchical, bureaucratic, and forced commonality at the expense of difference. A united front had to be forged and presented in the face of a common enemy, and the goal of unseating that enemy: the apartheid regime. For further analysis, it is instructive to note that Nelson Mandela and Jacob Zuma were ‘islanders’, and Thabo Mbeki and Jacob Zuma both exiles, but with different experiences. Thus the leadership style of the current president of the ANC and South Africa is likely to be influenced by both exile and island experiences.

The leadership styles and traditions of various leaders were mediated by the necessity of responding to the contexts in which they found themselves, their understanding of them, and the particular strategies they employed to engage with them. Added to the mix were generational gaps, personality clashes, and different intellectual backgrounds. In 1990, when the ANC was unbanned, this one organisation, or ‘broad church’ with multiple identities, had to forge a common identity. If we are to understand the complexities of the ANC leadership post-1994, it is important to acknowledge the differences in historical experiences and different working styles within the party, prior to this period. These are likely to inform divergent conceptions of democracy within the party, government, and wider society.⁹

Just as there are different leadership traditions within the ANC, so too are there multiple views of democracy. Butler identifies two primary visions, neither of which is enamoured of liberal, multi-party democracy. The first is that of exiles and communists who envisaged a participatory democracy with the mobilised masses driving social transformation beyond the bourgeois sphere. The other was less concerned with how or by whom decisions were taken, as long as decisions advanced ‘real’ interests. This position highlights the limits of liberal democracy, insofar as, in spite of the introduction of a multi-party democracy, elections have not resulted in the redistribution of resources, improved the conditions of the poor, or fulfilled collective moral aspirations. Liberal democracy is rendered almost meaningless by the poverty and historical disadvantage of the black South African majority.¹⁰

Returning to leadership issues, the presidencies of Mandela and Mbeki, of both the ANC and government, are often starkly, sometimes crudely, contrasted. The era of the former is

⁷ Gumede, William M. (2007) *Thabo Mbeki and the Battle for the South of the ANC*. Cape Town : Zed Press, pp 47-48.

⁸ Suttner (2002) p 18.

⁹ Ibid, p 2.

¹⁰ Butler A. (2005) How democratic is the African National Congress? *Journal of Southern African Studies*, 31 (4), p 726.

seen to be characterised by reconciliation, inclusion, and compromise;¹¹ the latter by political modernisation, involving institution-building, management, and establishing and entrenching new power blocs and political relations.¹² This is a false dichotomy. An alternative analysis suggests that there was more continuity than change between the two presidencies. In 1995, Mbeki summed up the conflicting pressures of whites complaining of discrimination, and blacks complaining about lack of delivery, thus: “It’s an art, handling this relationship between reconciliation and transformation. It’s not a mathematical thing. It’s going to define South African politics for the next fifteen years at least.”¹³ Given that the Mbeki era and leadership style is the benchmark against which our research compares the post-Polokwane era, we will discuss the Mbeki epoch in more detail at the end of this section, as it precedes Polokwane and subsequent developments.

2.2. The internal structures and processes of the ANC

We now turn to the internal workings of the ANC. Our exploration here concerns continuities and/or discontinuities, between the operation of the ANC as an organisation and the ANC in government, democratic rhetoric, and the reality of centralisation. The question we wish to raise is whether an organisation’s internal workings reflect and are concomitant with its external relations with other organisations, in this case, with those of CSOs.

In the past, when the membership felt that democracy was being compromised, they forced the organisation to take note. In 1969 the leadership was obliged to call the Morogoro conference by activists dissatisfied with an entrenched bureaucracy, intolerance of criticism, and secrecy.¹⁴ Again, in June 1971, Alfred Nzo was appointed to investigate allegations of undemocratic decision-making. Complaints were rife that leadership was a stooge to the SACP’s caucus tactics, with decisions being made by the governing body, and transmitted to every other organ, which had to uncritically endorse them. Nzo confirmed the correctness of these complaints. Internal structures had begun to resemble the classic Leninist model of democratic centralism, in which the governing body took decisions, which were transmitted to the rest of the organisation.¹⁵

The ANC’s rhetoric invests great faith in the democratic workings of its structures and processes, referring to its five-yearly National Conferences as “the parliament of the people”.¹⁶ At its 50th Conference in Mafikeng, it committed itself to revitalising internal democracy. At the 1999 national conference, the ANC amended its constitution in ways

¹¹ Gumede (2007) p 66.

¹² Lodge, T (2002b) *The Mbeki Presidency*. In *Politics in South Africa : From Mandela to Mbeki*. Cape Town: David Philip Oxford : James Currey. pp 241-267.

¹³ Cited in Gumede. (2007) pp 66-67.

¹⁴ Butler (2005) p 30.

¹⁵ Gumede (2007), p 25.

¹⁶ ANC. (1977) 50th National Conference in Mafikeng.

which, arguably, would constrain democracy and strengthen executive authority. It reduced the number of general conferences from every three years to every five. The National Executive Committee (NEC) would oversee all ANC structures, including parliamentary caucuses, office-bearers such as whips and committee chairpersons, appointed by the National Working Committee (NWC). The conference also re-committed the ANC to democratic centralism, and prohibited factionalism. These developments made it very difficult for any mobilisation against leadership or leadership policy.¹⁷

Furthermore, delegate assemblies, including the national councils which may be held between general conferences, can theoretically provide opportunities for policy debates. In practice, the meetings tend to rubber-stamp pre-drafted resolutions. Individuals can and do circulate 'discussion papers' in an attempt to influence policy. This gives the appearance of organisational debate, but publishing and circulating such papers requires the sanction of leadership.¹⁸

In 2007, Butler argued that certain trends had become discernible within the ANC. It had become increasingly centralised, and organisationally more complex. There was a greater need for professionalisation and bureaucratisation, and power and information became increasingly concentrated in the hands of a small elite.¹⁹ This alludes to the centralisation which increasingly characterises party decision-making, and the constraints which it imposes on internal democracy. Butler argues that this parallel centralisation within the party has had both negative and positive consequences.

The ANC head office in Luthuli House has "controlled factionalism, neutralized ethnic and racial politics, regulated careerism, secured economic orthodoxy, and turned the ANC into a professional mechanism of electoral competition. On the other hand, centralisation has been used to stifle debate, impose favoured candidates, and control competition for office so relentlessly that a backlash on the part of branch activists and provincial structures became inevitable."²⁰

Another contentious issue is the demobilisation of the mass base of the party, and its re-activation only at election time, or, in the case of COSATU, when a strike is launched. Between government and party elections, branch activity declines and members are demobilised. In 2002, Cronin spoke of the "zanufication" of the ANC in the following context:

You can see features of ... a bureaucratisation of the struggle: Thanks very much. It was important that you were mobilized then, but now we are in power, in power on your behalf. Relax and we'll deliver.

¹⁷ Lodge, T. (2002b) Democracy in a dominant party system. In *Politics in South Africa : From Mandela to Mbeki*. Cape Town : David Philip Oxford : James Curry, p 161.

¹⁸ Ibid.

¹⁹ Butler, A (2007) p 38.

²⁰ Butler, A. (2007) *The State of the African National Congress*, p 45.

The struggle now is counter-productive. Mass mobilisation gets in the way. Don't worry. We've got a plan. Yes, it'll be slow, but be patient and so on. That kind of message has come through.²¹

He goes on to clarify that "Mandela or Mbeki [are not] careless about popular suffering, poverty, unemployment and so on, but their emphasis tends to be on the people-centredness of the policies to be delivered from governmental positions rather than the other important dimension which is the people-driven character of it."²²

Elections for the NEC and senior office-bearers have been closely managed, and until the National General Council (NGC) meeting of 2005, democratic centralism suppressed discontent. Many critics have argued that the political habits and ideologies of exile are key to explaining declining internal democracy.²³

This discussion suggests that despite claiming a democratic ethos, the internal dynamics of the ANC are strictly controlled. We argue that internal structures and processes do illustrate the relations which an organisation is likely to have with external actors. Should the internal structures and processes of the ANC continue in this way, it is unlikely that the perceived opening up of discourse and increased responsiveness towards CSOs is likely to have any meaningful impact. Despite the apparent wooing of certain constituencies, relations between CSOs and the ANC are likely to be influenced by the institutional nature of the organisations, and closely watched and managed.

2.3. Mbeki's ascent to the presidency

Following our discussion of historical, personal and political working experiences of the ANC, and the state of its internal organisation by 2007, we shall now turn to the period of Mbeki's rule. Although this period formally began in 1999, his influence was established under the Mandela presidency. A word of caution is necessary here: many authors, most notably Mark Gevisser, reduce all policies which were formulated and implemented during Mbeki's presidencies, to Mbeki himself. Note, as an outstanding example, talk of some sort of Commission into Mbeki's policies on HIV/AIDS, accusations that Mbeki is personally responsible for genocide, and so on. We argue that no policy can be attributed to one particular leader. During their formulation and implementation, there were many voices which could have, and sometimes did, speak out. Those who may have made a greater impact are the ANC's National Working Committee (NWC) and the National Executive Committee (NEC) parliament, other political parties, NGOs, the international community, and so on. It is not our intention in this section of the report to apportion 'blame' to Mbeki for unpopular policies. Suffice it to say that because he was president during this period and

²¹ Cronin, January 2002. Interview with Helena Sheehan.

²² Ibid.

²³ See Cronin, Suttner.

did have a particular style, many policies are attributed directly to him. Nevertheless, policy formulation is a nuanced and complex process, involving a multitude of role-players.

Mbeki's ascent to power is instructive, as it illustrates the kind of strategies employed both within the ANC, and later by Mbeki as president, to make useful friends and deal with perceived enemies. It also highlights his historical distance from the mass base of the party, and how he overcame what was potentially a serious obstacle to his rise to, and continued position in, power. He continued to manage his increasing isolation and alienation from this important constituency for almost two presidential terms, but eventually, it was his nemesis.

The genesis of Mbeki's apparent detachment from influences outside the ANC is apparent from the fact that, at the time of the unbanning of the ANC in 1990, he did not have a strong popular base, either within the organisation or in South Africa.²⁴ Internal support would usually be vital for a leadership bid, but Mbeki seldom attended branch meetings, declined most party speaking engagements, shied away from the media, and did not seek popular support, as did ANC stalwarts like Chris Hani and Winnie Madikizela-Mandela. Instead, he preferred engaging local and international businessmen and diplomats, and such meetings were viewed with suspicion by the ANC's militant youth, student and civic affiliates, and radicals in townships and trade unions.²⁵

Gumede illustrates the nature of Mbeki as a tactician and strategist, manipulating and mobilising support in order to achieve his objectives. Because he did not command a mass power base, he employed a number of alternative strategies to mobilise support, and make and implement decisions. These include granting favours to those who were strategically useful, and then calling in outstanding debt from those who could mobilise mass support, anticipating rivals' moves and planning a few steps ahead, choosing and using allies and neutralising opponents, playing the 'Africanist' card to unite adversaries, and exploiting personal/political rifts.²⁶

Besides these strategies, others included neutralising those whom he perceived as critical of his ideas, or presenting a challenge to his leadership. One example of this is his appointment of members of the SACP to cabinet positions, which opposed their ideological position: Geraldine Fraser-Moleketi went to the Department of Public Service and Administration, and was charged with 'rightsizing' a bloated public service, and facing down sustained trade union action in 2000 and 2001, and Jeff Radebe was given a portfolio presiding over privatisation, as the Minister of the Department of Public Works. Demotion was another means of dealing with perceived rivals. Patrick Lekota, ironically now leader of

²⁴ Gumede, William M. (2007) p 36.

²⁵ Ibid, 36.

²⁶ Ibid, pp 53-55.

COPE, was appointed to the ministry of defence, where great successes (or dismal failures) were not likely to receive much notice.

The exclusion of critics by purging them from cabinet, was another ploy, practised on Pallo Jordan, who was excluded from cabinet in 1999. This sent a strong message that independent thinkers were unwelcome in the cabinet if they lacked a base that made their retention politically strategic.²⁷ As early as 1996, Gaye Davis wrote: “ANC members of Parliament are expressing growing concern with the organisation’s leadership style, citing mismanagement of crises, a consolidation of central authority and a clampdown on internal dissent ... MPs described a ‘climate of fear’ that inhibits criticism. Key ANC players in the government take decisions and then present them for endorsement - brooking little dissent in the process.”²⁸

An additional means of ensuring loyalty to the president and the party, which has more general application beyond Mbeki, is that of the invocation of a ‘historic mission’. According to Mare, this creates a system of ‘moral kinship’, and, within the embrace of the mission, loyalties, responsibilities and protection are created, situated outside the notion of a Weberian state.

The effect is that the ANC’s historical mission demands conflation of the movement with the state, argues for the collapse of civil society into the state, and arrogates the dispensation of political morality to those who hold power within the ‘national liberation movement.’²⁹

The strategy of appealing to loyalty as a mission controls dissent and critical debate. Arguably, such control is necessary in the transition stages from authoritarian rule to democratic rule, from liberation movement to party, formulating and implementing redistributive policies and the construction and functioning of a transforming state.

Such was the reputation of Mbeki’s strategies, that, only three years into democracy, and at the end of his presidential term, Nelson Mandela was moved to observe:

There is a heavy responsibility for a leader elected unopposed. He may use that powerful position to settle scores with his detractors, to marginalize ... to get rid of them and surround themselves with yes-men and women. His first duty is to allay the concerns of his colleagues to enable them to discuss freely without fear within internal structures.³⁰

It was widely assumed that this was directed at Mbeki.

²⁷ Centre for Policy Studies. (July 1999) South Africa Update. Johannesburg : Centre for Policy Studies.

²⁸ Davis, G. Authoritarian leadership alarms ANC politicians, *Weekly Mail & Guardian*, 4 October 1996. Cited in White, F. (2001) Post-apartheid South Africa: Walking in Africa’s shadow? An analysis of South Africa’s democratic path. Unpublished MSc thesis.

²⁹ Mare, G. (2003) The state of the state: Contestation and race re-assertion in a neoliberal terrain. In Daniel J, Habib A, and Southall R (eds) State of the Nation : South Africa 2003-200. Cape Town : HSRC Press, p 43.

³⁰ Nelson Mandela in his last speech as ANC president, December 1997. Cited in Gumede, W. M. (2007) Thabo Mbeki and the Battle for the Soul of the ANC. Cape Town: Zed Press, p 33.

2.3.1 *Mbeki in office: modernisation and bureaucratisation*

Analyses of the character and leadership style of President Mbeki began to proliferate during his presidential terms, and are likely to do so well into the future. He has variously been described as ‘enigmatic’, ‘Machiavellian’, ‘intellectual’ (often in a pejorative way), ‘aloof’, ‘distant’, ‘diplomatic’, ‘bureaucratic’, ‘technocratic’, ‘sly’, ‘charming’. How does one make sense of these characterisations? What impact have they had on his presidential style? What impact did they have on the influence, or otherwise, of CSOs on the ANC and on government?

This section will address three primary issues. First, what is the nature of the man? Second, what qualities defined his office, both in structure and in spirit? Finally, what were the consequences thereof?

Mbeki himself was in exile, and exile politicians predominated in the Mbeki administration. Returning to the theme of leadership traditions within the ANC, this may have influenced the way in which Mbeki governed. However, the ANC and government are subject to a multitude of forces, both within the party and the alliance. They are also required to respond to domestic and international pressures, so that one cannot assume a uni-dimensional relationship between historic leadership traditions and current ones.

Although it is well known that Mbeki is a graduate of Sussex University, with an MA in economics, it is arguably less well known that he was intensely involved in various positions in underground ANC structures in Africa, and that he undertook military training in the Soviet Union. He represented the ANC in Nigeria, Botswana and Swaziland. In 1975 he became Oliver Tambo’s political secretary and speech writer. He first filled a seat on the ANC’s National Executive in 1978, became director of information in 1984, and head of the international affairs department in 1989. In August 1993, he was appointed national chairman, an honorary position created earlier for the ailing Oliver Tambo, who died in April 1993. From 1962-1990, he was a member of the SACP.³¹ And so there are two historical strands influencing Mbeki: one, an enlightened British education, and the experience of England in the 1960s, and the other, an organiser in exile in the liberation movement.

Ideologically, Mbeki emerged, at best, as a pragmatist, at worst, as a neo-liberal. However, the latter characterisation is over-simplified, as he constantly attempted to combine redistribution with the demands of the globalisation of neo-liberalism and domestic capital. His ‘two nations’ state of the nation address, and his insistence on delivery, bear testimony to this.

In contrast to a period of policy formulation, broadly characteristic of the Mandela era, the Mbeki era is often perceived as one of policy implementation, monitoring and

³¹ Lodge T. (2002b) The Mbeki presidency. In *Politics in South Africa: From Mandela to Mbeki*. Cape Town: David Philip Oxford: James Currey, pp 241-243.

evaluation. Although in reality, all processes occur concurrently, these are, broadly, how the presidential eras may be characterised. Thus, the Mbeki government became less involved in democratic interaction and dialogue with the citizenry, as its focus was now on policy implementation and delivery, which required more technocracy and less direct democracy. In other words, the changing function of the ANC government required a different style and way of doing things, as what had to be done had changed. During the Mandela era, policy goals had, in theory, been democratically decided upon: the challenge for the Mbeki presidency was to develop 'expert' technocratic methods to achieve pre-determined ends. It could be argued that democratic inclusion was not deemed to be necessary for this process. The stress on delivery was articulated by cabinet ministers such as Steve Tshwete (safety and security), and Kader Asmal (education), who insisted that negotiations with key interest groups had to be replaced by 'getting things done'.³²

Mbeki's leadership style was more that of a technocratic manager than a charismatic, populist leader. This may have been his greatest strength and his greatest weakness. It was evinced by the way he behaved and how the presidency was organised. Mark Gevisser, Mbeki's biographer, describes his 2002 perceptions of the position and the person, thus:

Over the past year I had watched the South African presidency become more logical, more substantive and more hands-on than it had been during the rousing but scattershot Mandela era. But I had also watched it contract to a point where it had become nitpicky rather than all-embracing, introverted rather than communicative, too often mis-trusting and not enough inspiring. I had watched Mbeki withdraw ... into increasingly sullen and irascible isolation.³³

What processes and structures accompanied this institutional and personal transformation?

Blair tightened his grip on Whitehall in the same way he tightened his grip on the party. Policy development and decision-making, which were scattered throughout departments in Whitehall, have been centralized around the prime minister's office.³⁴

Why refer to Tony Blair in a discussion of Mbeki? The answer lies in the extent to which the restructuring of the president's office, which was begun by Mbeki during the Mandela era, closely resembles that of other modern governments, particularly in left-of-centre systems. Chotia and Jacobs argue that there is an inherent tension of co-ordination and centralisation in this model.

We shall briefly explore the Mbeki presidency, in order to assess its democratic nature, which, arguably, reflects ways in which it was likely to respond to CSOs.

³² Centre for Policy Studies. (1999) *South Africa Update*. Johannesburg, p 24.

³³ Gevisser (2007) pp xxv-xxvi.

³⁴ *The Economist* 1999. Cited in Chotia, F and Jacobs, S. (2002) Remaking the presidency : The tension between co-ordination and centralization. In (eds) Jacobs and Calland *Thabo Mbeki's World: The Politics and Ideology of the South African President*. London : Zed Books. p 154.

Mbeki began his transformation of the presidency in 1997. He appointed the Maphai Commission to investigate the transformation of the presidency, and much criticism of its findings contained a fundamental contradiction: the majority of those who complained of Mbeki's 'empire building' also criticised the lack of co-ordination and good management in government. This was precisely Mbeki's argument, re-enforced by the Report: that in order to achieve effective and efficient delivery, and to fulfil its electoral mandate, the government required adequate capacity and a co-ordinated structure.³⁵

Among a range of institutional changes, Mbeki also downgraded the post of deputy president, and moved his office under that of the president's and his staff under the president's director-general. The role of the deputy president, Zuma, became a titular one, as all but one of the office's previous functions were removed from him. The remaining one was to chair the South African delegation to binational foreign government commissions.³⁶

Far more important than the role of deputy president, or any other minister, was that of the Minister of Finance, Trevor Manuel. All policies emanating from ministries have to pass the test of being in tune with macro-economic policy. "Manuel is the greatest disciple of Mbeki's three Cs: centralize, co-ordinate, and control."³⁷ Ironically, however, the ANC, along with parliament, becomes a major loser in this restructuring: as the capacity of the president's executive office waxes, so the ANC's capacity wanes. Mbeki desired officials at ANC headquarters to manage the organisation, and build electoral machinery, rather than occupy themselves with political matters. The issues of intolerance of criticism and the distrust of opposition, verging on paranoia, have been common themes throughout this discussion. They predate the 'ANC-as-party', and can be traced back to the necessary features of an illegal liberation movement, with a military arm, operating underground. After 1994, Mbeki was identified with these features, which may well be explained by his experiences in exile. But he exposed them early on in South Africa's new democracy, in the President's Report, delivered by Nelson Mandela at the 50th ANC conference, held in Mafikeng. Although Mandela delivered the address, Mbeki had written most of it.³⁸ Examples of intolerance of criticism, apparent attacks on independent social actors and thought, and a renunciation of ideas which were perceived to be at odds with those of the movement, abound. But a more nuanced reading of the Report reveals statements that applaud the role of organisations of civil society, for example:

[r]eturning to our own reality we must make the point that our experience of the last three years point to the importance of non-governmental organizations (NGOs), community-based organizations (CBOs) and grassroots-based political formations in ensuring popular participation in governance.

³⁵ Calland, (2006), p 22-26.

³⁶ Ibid, pp 153-156.

³⁷ Ibid, p 156.

³⁸ Calland, R. (2006), p 119.

The effective and admirable way in which many of these structures have functioned has served to emphasise the point that, in many instances, the public service, however efficient it may be, may not be the best instrument to mobilize for popular involvement and participation.³⁹

However, a more negative view of CSOs is also advanced, which accuses sections of the non-governmental sector asserting that the distinguishing feature of a genuine organisation of civil society is being a “watchdog ... both inside and outside of government.” The Report casts this as a pretence of representing an independent and popular view, but actually working “to corrode the influence of the movement”. The Report continues to observe that “certain elements, which were assumed to be part of our movement, set themselves up as critics of the same movement.” Instead of viewing this as a positive element of creating a robust and democratic organisation, it is viewed with contempt and alarm. In response to an article in *Business Day* newspaper, which argued that “it would be very wrong and a mistake for the ANC to try to co-opt organizations involved in the UDF. Life must exist, plants must grow outside the ANC,” the Report retaliated with a call to “defeat the pressure blindly to accept a Liberal determination of which organization is an NGO and what role such NGOs should play”.⁴⁰

Thus, very early on, before he became president, Mbeki revealed his hand, showing that he would not brook criticism from within or outside the movement. This is illustrated by examples in this discussion of his lambasting of alliance partners, his multiple strategies to remove perceived detractors, and his rewarding and containing useful allies.

Arguably, such utterances and actions may be seen as harbingers of attitudes evinced by Mbeki towards CSOs. Calland, however, adopts a more sympathetic approach, arguing that the verbal assaults “represented a scattergun attack on everything and everyone, aimed at rallying the troops and creating unity in the movement”,⁴¹ thus returning to the theme of ‘the mission’ in terms of which all must maintain unwavering allegiance to the national democratic movement. Whatever the purpose of the attacks, they nevertheless suggest a constrained arena for constructive engagement between the ANC and the government which it leads, and organisations who are critical of it. Furthermore, and of more concern, some of the institutions facing the onslaught were broadly sympathetic towards the ANC, suggesting a calcification of its position, and a limited, and limiting, scope for engagement.

This report will now examine the relationships between civil society and the ANC in more detail. How did these relationships function historically, during the transition and under Mbeki’s leadership of the ANC? The ‘rise and rise’ of Jacob Zuma, and his influence on ANC/civil society relations, will also be analysed in detail.

³⁹ ANC (1997) Report by the President of the ANC, Nelson Mandela to the 50th National Conference of the African National Congress, Mafikeng.

⁴⁰ Ibid.

⁴¹ Calland R. (2006), Ibid.

3. THE ANC AND CIVIL SOCIETY: HISTORICALLY AND DURING THE TRANSITION

3.1. The ANC and civil society relations during apartheid

Throughout a large part of the 20th century, anti-apartheid CSOs were widespread and active in contesting state power. These organisations ranged from trade unions to African independent churches to networks such as the UDF and its derivative, the MDM. The ANC, as the primary liberation movement, frequently had a significant relationship with many of these organisations. In the context of this research it is interesting to understand, albeit briefly, the nature of the relationship between the ANC and civil society organisations during apartheid.

As discussed in the introduction, the ANC has traditionally viewed itself as a ‘broad church’ encompassing multiple traditions, organisations and ideologies. For example, given its multiple traditions, there has always existed tension between ‘left’ and ‘right’; between those who wished to stage a socialist revolution, and those who wished primarily to deracialise South Africa. Other positions included the ‘nationalists’, who believed that Africa was for Africans, the ‘militants’, who advocated a confrontational approach, if not armed insurrection, against the white apartheid government, and the pacifists, who advocated alternative methods of resistance.⁴² Indeed, in the 1930s it called its meetings the ‘parliament of the African people’. As Cronin explains, through its multiple identities, “The ANC was quite post-modern, before post-modernism existed.”⁴³

Coupled with, and drawing from, its innate pluralism, is the ANC’s historical view that it is a national liberation movement and should thus represent the nation, and in turn the nation should express itself through the ANC. As Suttner explains, the ANC, particularly from the 1980s onwards, wanted to achieve hegemony in society. Indeed it embraced the slogan that “the ANC is the nation.”⁴⁴ It is not surprising that some commentators explain that the ANC held the view that all perspectives should be deliberated through its movement.⁴⁵ There are several implications of this approach for the relationship between CSOs and the ANC under apartheid.

First is the view by the ANC that civil society organisations are embraced, and *within* the organisation listened to. From this perspective, “the ANC did create a lot of space for civil society organisations so long as they were within the ANC fold.”⁴⁶ According to Cronin,

⁴² See Gumede pp 10-11. The history of strands of influence within the ANC is extremely complex. This is a simplified snapshot.

⁴³ Interview with Jeremy Cronin, Deputy Minister for Transport. Cape Town, 4 June 2009.

⁴⁴ Suttner, Raymond. *The ANC Underground in South Africa*. Auckland Park: Jacana, 2008: 152.

⁴⁵ Interview with Steven Friedman, Director, Centre for the Study of Democracy. Johannesburg, 27 July 2009.

⁴⁶ *Ibid.*

the ANC self-reflectively knew it was divided into different groups and wanted to form a common identity, but it did not want to ignore differences. Plurality and the political project was about forging a new identity through difference, not suppressing it. Although there is a strong state-centric mentality and paradigm in the ANC, it has always been complicated by other realities, which include this plurality or 'post-modernism'. For example, civil society formations such as the Black Consciousness Movement and workerist movements "left a strong influence on the ANC".⁴⁷ This plurality could allow CSOs to express themselves fairly openly, and at times, effectively, within the confines of the broader ANC movement.

Indeed there is an argument to be made that the ANC saw much value in CSOs during apartheid. Cronin provides evidence to support the view that civil society spaces were very important spaces for the ANC. He explains that anti-apartheid struggles took place in specific, often urban, settings such as the factory floor, bush camps and urban and rural ghettos.⁴⁸ These spaces were often mobilised and organised by civil society groups. The ANC recognised that theirs was not a military struggle; the role of MK was only symbolic: "MK applied pin pricks at best."⁴⁹ Thus, the struggle took place largely in the arena of civil society. The political hegemony of the ANC was largely dependent on the affiliation and support of numerous popular organisations.

Certainly, many of these CSOs were willingly supportive of the ANC. A large number of civics, for example, viewed the ANC as the vehicle for obtaining power and governing the post-apartheid state. Thus civics, for example, played a co-operative and supportive role in relation to the ANC. In due course the civics formed a unitary national structure, the South Africa National Civic Organisation (SANCO) aimed at centralising the civics into a corporatist interest group, under the ANC alliance.⁵⁰ Popular organisations, including those under the UDF, often chose to mobilise and form long-term organisational bases in support of ANC principles.

A second view of the ANC-civil society relationship is that the movement was not entirely supportive of CSOs, as it saw those outside the ANC as posing a threat to its hegemony. Thus several commentators argue that external CSOs were less accepted and more challenged by the party.⁵¹

⁴⁷ Interview with Jeremy Cronin.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ White, Fiona (2008). *Strengthening Democracy? The Role of Social Movements as Agents of Civil Society in Post-Apartheid South Africa*. University of London: PhD Thesis. p 145.

⁵¹ Interview with Steven Friedman. Interview with Jeremy Cronin. Interview with Trevor Ngwane. Soweto Electricity Crisis Committee. Johannesburg, 25 June 2009. Interview with Dale McKinley, Anti-Privatisation Forum. Johannesburg, 13 July 2009.

The third, and related perspective on ANC-civil society relations under apartheid is that the ANC was ultimately unappreciative of the role of civil society formations, regardless of their political affiliations. According to Cronin, in the lead-up to the transition the ANC had not internalised all of the nuances of the struggle. When it was legalised, the ANC's paradigm of what happened was: "we led the struggle; it was an armed struggle for state power. The army is the embryo for the future army, the ANC leadership in exile, or Robben Island is the embryo for the future cabinet. Thanks townships, students etc., you did well but we are now back."⁵² In this way the ANC applied a very statist approach to governing, and so marginalised CSOs. Others take this argument further, maintaining that "the ANC aimed to destabilise independent civil society."⁵³ Once the ANC was legalised there was no longer a need for independent CSOs. Ngwane provides examples of this monopolisation of independent CSOs: the South African Youth Congress was told by the ANC to disband and join the ANC Youth League; the Federation of Transvaal Women, which had operated between 1990-1994, was told by the ANC to disband; the UDF, which had more than 300 affiliates were told by the ANC to close down; civics were incorporated into SANCO. Thus, Ngwane argues, there was meant to be only one thing left: the ANC.⁵⁴ McKinley too argues that the ANC practised 'organisational envelopment', corralling all organisations into the movement.⁵⁵

Do these views of ANC-civil society relations point to patterns for the future? The implications of the three arguments, including the view that the ANC have applied a statist approach to governance which causes it to view CSOs with scepticism, will be tested in remaining sections of the report. At this stage, we offer a hypothesis: that the ANC will lend an ear to a range of disparate critiques and arguments, which it will attempt to accommodate, although not necessarily respond to. However, its basic impulse remains that of hegemonising, and it will not tolerate dissent beyond a certain point, which has yet to be negotiated.

3.2. The ANC and civil society during the transition

The following sections of this report address the relationship between CSOs and the ANC between the years 1990 and 1999. This was the decade during which South Africa underwent a transition from an apartheid state to a more fully fledged democracy. Section 4 will deal in detail with the Mbeki era. However, it is important to note that the Mbeki era overlapped with Mandela's presidency, beginning de facto in the mid-1990s. As one interviewee noted, Mandela, "left governing to Mbeki and technocrats, who had been in

⁵² Interview with Jeremy Cronin.

⁵³ Interview with Trevor Ngwane.

⁵⁴ Ibid.

⁵⁵ Interview with Dale McKinley.

government in exile.”⁵⁶ Thus this section will discuss an ANC led not only by Mandela, but also Mbeki’s early influence on CSOs.

3.2.1 The ANC and its relationship with civil society

In looking at the ANC and its approach to civil society during the transition, two points of view emerge. On the one hand the ANC is seen as having provided both institutional and informal space for real policy engagement by CSOs. Others, however, feel this participatory engagement was really a way to legitimate policy and marginalise civil society. This report will also discuss whether the ANC took an insider/outsider approach to CSOs and the implications of this for ANC-civil society relations.

Space for effective influence

Many civil society actors believe that during the transition the ANC opened space for engagement, and indeed sought civil society input into policy making. In terms of formal space in which CSOs could operate, there was a clear change between the apartheid regime and the ANC government. This opening up of formal space allowed for political protest as well as state and government scrutiny by CSOs. A reframed relationship between the state and CSOs was supported in part by legislation. The Constitution recognised the separate existence and responsibilities of political parties and CSOs; it laid a foundation that created legal entitlements and instruments for ongoing democratic civic action.⁵⁷ The Reconstruction and Development Programme (RDP), too, strongly emphasised the continuous participation of the citizenry in decision-making between five-yearly formal elections. It recognised CSOs as important voices to be taken into account by government decision-makers.⁵⁸ After 1994 repressive legislation was repealed and the Non-Profit Act was passed encouraging voluntary registration for NGOs and CBOs with concomitant benefits and allowances. A Directorate for Non-Profit Organisations was established in the Department of Social Welfare to oversee this process. The National Economic Development and Labour Council (NEDLAC) the corporatist structure, supported a chamber for civil society representation. Funding was also channelled through the state to civil society, the constricting Fundraising Act of 1978 was repealed, and tax regulations for CSOs were reformed by 2001.⁵⁹ The post-apartheid political system certainly allowed for civil society to have greater support and room in which to operate. As Shireen Hassim, a scholar working

⁵⁶ Interview with Sheila Meintjes, Professor, Department of Politics, University of Witwatersrand. Johannesburg, 18 August, 2009.

⁵⁷ Interview with Mark Heywood, AIDS Law Project. Johannesburg, 21 July 2009.

⁵⁸ African National Congress (1994) The Reconstruction and Development Programme p 14

⁵⁹ Habib, A. (2003) State-civil society relations in post-apartheid South Africa. In Daniel, John, Habib, Adam, and Southall, Roger (eds.) State of the Nation: South Africa 2003-2004. 227-241. Cape Town: HSRC Press.

on women's movements noted, "the space for civil society expanded. We must not underestimate the value of this."⁶⁰

Alongside legal provisions that supported the role of CSOs, the ANC also welcomed informal input into policy making. As a human rights activist noted, "the government was going through a process of policy formulation and tried to be as inclusive as possible."⁶¹ A previous director of the South African NGO Coalition (SANGOCO) felt too that where policy making took place, primarily at the ministerial level, the ANC was very open to input.⁶² Examples of CSOs engaging in policy-making processes abound. The RDP was one area in which civil society had a substantial input. For Cronin, in the run-up to elections, social movement energies, led largely by COSATU but including organisations such as SANCO, the SACP and Black Sash, were focused on the RDP.⁶³

The land and rural development sectors also saw a high level of input by CSOs into policy making. There was, "a lot of consultation" and "some important gaps were filled as a result of civil society interventions".⁶⁴ According the Director of the Institute for Poverty, Land and Agrarian Studies (PLAAS) the first Minister of Land Reform, Derek Hanekom, was open to CSO input. Most of his advisors were in fact from the civil society sector.⁶⁵ In the environmental sector, civil society was active in influencing the National Environmental Management Act. World Wildlife Fund (WWF) programme managers noted that "the process was exemplary for its participation."⁶⁶ CSOs also participated in the Consultative National Environmental Policy process, which 'set the bar for civil society participation', with civil society input included.⁶⁷ According to the WWF CSOs in the environmental sector were very robust during the transition with civics, trade unions and the Environmental Justice Networking Forum, all involved in participatory processes.⁶⁸ There is a perception among many civil society actors that CSOs were effective in influencing government and ANC policy - that their input into processes was not simply window dressing. As one left-oriented labour institute notes, "You felt at the time that there was possibility for us to actually influence government."⁶⁹

⁶⁰ Interview with Shireen Hassim, University of the Witwatersrand, 11 March 2004, Johannesburg.

⁶¹ Interview with a human rights activist. Johannesburg, 5 August 2009.

⁶² Interview with Abie Ditlhake.

⁶³ Interview with Jeremy Cronin.

⁶⁴ Interview with Ben Cousins, Director, the Institute for Poverty, Land and Agrarian Studies (PLAAS). Cape Town, 3 June 2009.

⁶⁵ Ibid.

⁶⁶ Interview with Sue Taylor, ex-WWF South Africa Climate Change Programme Manager. Johannesburg, 24 June 2009. Interview with Richard Worthington, WWF South Africa Climate Change Programme Manager. Johannesburg. 19 August 2009.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Interview with Leonard Gentle, Director, International Labour Research and Information Group (ILRIG). Cape Town, 4 June 2009.

3.2.2 *Civil society and its relationship to the ANC*

After 1994 CSOs faced two major challenges: first, how to relate to the ANC as government rather than a liberation movement, and second, for those organisations that had opposed apartheid, how to function in the newly legitimate state. The first issue raises the important question of the distinction between the ANC as party versus government. From the perspective of civil society actors this created a new dynamic. No longer were anti-apartheid organisations partners with the liberation movement, they were now interest groups within a democratic state governed by a political party. The result, for many civil society groups, was that they started to interact primarily with government as opposed to directly with the ANC. As the South African Council of Churches (SACC) notes, after 1994, their relationship with the ANC was “virtually replaced by a relationship with the government”.⁷⁰

A key reason for this change was that by the late 1990s the ANC as a party had contracted. The ANC could count on a large array of black civic bodies, student organisations and trade unions to mobilise mass support at election times, but its ministerial and parliamentary arm surpassed the party’s organisational arm. There were a declining number of paid-up members and branches, and severe financial problems resulted in the retrenchment of a large part of the party’s full-time staff.⁷¹ In 2000 ANC branches were re-organised to coincide with new municipal ward boundaries; however only 2 232 new branches of a potential 3 788 were established. These frequently recorded much lower membership than before the re-alignment, especially after ghost members were eliminated from records. As Lodge explains, “keeping in mind its overwhelming electoral popularity, the ANC is a relatively modestly sized organisation”.⁷² Thus civil society had far fewer opportunities to engage with the ANC as a political party; its new focus of engagement was with the ANC as government.

The second challenge facing CSOs was that for many, their *raison d’être* changed once they started operating in a legitimate state. Large parts of civil society had a history of antagonism towards the state, consistently challenging its legitimacy and authority. Once a democratic state was in place most CSOs moved from not trusting the government to trusting it substantially more.⁷³ Observers believe this change left popular CSOs with a crisis of role and identity: their former oppositional role was seen as anachronistic and, as

⁷⁰ Interview with Tinyiko Maluleke.

⁷¹ Simkins, Charles, and Giliomee, Hermann. (eds) (1999). *The Awkward Embrace: One-party domination and democracy*. Cape Town: Tafelberg. p 43.

⁷² Lodge, T. (2004) pp 191-192.

⁷³ Survey data to substantiate this can be found in Klandermans, Bert, Roefs, Marlene, and Olivier, Johan. (2001) *The State of the People: Citizens, Civil Society and Governance in South Africa, 1994-2000*. Pretoria: Human Sciences Research Council, p 128.

discussed earlier, organisations were urged by the new state to move from “resistance to reconstruction”.⁷⁴ CSOs were thus faced with the challenge of redefining their mission.

For many commentators a result of the new challenges facing civil society was that it moved from opposition to engagement. In essence, during the early days of democracy, the relationship between the majority of civil society and the ANC as government was co-operative, fuelled by a sense of common purpose. As noted earlier, many CSOs were involved in participatory processes and engaged directly in policy making, often through the RDP. At this time, “civil society saw its interests aggregating and fitting with the interests of the ANC.”⁷⁵ Activist Mark Heywood explains that during the Mandela government, for most civil society actors the need for independent campaigns to challenge the ANC, or the notion that the ANC could adopt bad or even anti-poor policies, was an anathema. For these reasons, even important initiatives such as the 1998 Poverty Hearings conducted by SANGOCO, the SA Human Rights Commission (SAHRC) and the Commission on Gender Equality (CGE) focused more on trying to advise government, rather than to oppose it or compel it to act in a particular way. During this period CSOs, which later became known for their oppositional role to the Mbeki government, including the AIDS Law Project (ALP) and COSATU, invested a great deal of time in ‘friendly’ research and advocacy that aimed to assist the legislature and relevant government ministries.⁷⁶ For an actor in the transitional justice sector, even acknowledging that the ANC’s handling of the Truth and Reconciliation Commission was problematic, there was a broad consensus that there was a need to support the government and democracy. He notes that organisations such as the Institute for Democracy in South Africa (IDASA) wanted to retain a critical voice but felt ‘it was now time to support government’.⁷⁷ Indeed, for political analyst, Fakir, “The ANC didn’t build hegemony on its own, but with the collaboration of civil society.”⁷⁸

Although many interviewees believe that in the mid-1990s, CSOs did redefine their mission and were “good at engaging with government processes”⁷⁹ others feel that CSOs were ineffective in finding a new way to relate to the ANC and government. For Michael Sachs, CSOs found themselves unable to adjust to relating to the ANC in government and the ANC as a political party. It did not know how to work with, rather than oppose, the state, as it had done during apartheid. Organisations were unable to disaggregate themselves from the ANC as a mass democratic movement in opposition to the state, and move into an autonomous and democratic civic realm. In essence, Sachs argues that it was civil society’s success as an opposition force before 1994 that undermined its ability to

⁷⁴ Marais, Hein. (1998) *South Africa Limits to Change: The Political Economy of Transformation*. London: Zed Books. p 209. Interview with a civil society practitioner.

⁷⁵ Interview with Ebrahim Fakir.

⁷⁶ Interview with Mark Heywood.

⁷⁷ Interview with a civil society actor in the transitional justice sector.

⁷⁸ Ibid.

⁷⁹ Interview with Richard Worthington.

transform itself into collaborative, yet autonomous CSOs within the new ANC-led government.⁸⁰ Another commentator also argues that CSOs found it difficult to work with a democratic government. Thus some CSOs battled to find a middle position and effectively claim the space created by the new government.⁸¹

As we have seen, the transition from apartheid to democracy created many challenges for CSOs. Primary among these was how to relate to the ANC as government rather than a political party and how to function in a newly legitimate state. The majority of interviewees felt that CSOs were broadly able to deal with these challenges, particularly in how they redefined their mission in a democratic state. According to one civil society commentator, organisations strengthen democracy where they form a countervailing power allowing for a “balanced opposition” between state and society.⁸² However, not all commentators believe that these organisations during the transition were successful in working as a “balanced opposition”. This is a concern that this report will return to in later sections. However we will now address further issues facing CSOs during the transition.

3.3. 1996

In concluding the section on the ANC and civil society during the transition it is necessary to highlight that there was a turning point in this relationship for many CSOs. The year 1996 was when the ANC government changed its economic policy from the RDP to the Growth, Employment and Redistribution Strategy (GEAR). For many CSOs, this marked the end of the ‘honeymoon’ phase in of ANC-civil society relations.

The ANC’s initial economic policy was the RDP, which had the two key goals of minimising poverty and reconstructing the economy.⁸³ It saw the state playing a leading and enabling role in guiding the economy and market toward reconstruction and development. RDP proposals included minimum wage allowances, and set targets for the redistribution of land. The RDP did not last long, however; by mid-1996 the market-oriented GEAR formed the government’s new economic policy. GEAR hoped to gain sustained growth in the country by transforming the economy into one that was competitive and outward-oriented. It aimed to increase job creation by concentrating capacity building on meeting the demands of international competitiveness. Attracting foreign investment, liberalising financial controls and implementing a privatisation programme were all key elements of GEAR.⁸⁴

⁸⁰ Interview with Michael Sachs.

⁸¹ Interview with a civil society practitioner.

⁸² White, 2004, p 13-14.

⁸³ Lodge, T. (2003) p 54

⁸⁴ Davis, Dennis. (2003) From the Freedom Charter to the Washington Consensus. In Everatt, David, and Maphai, Vincent (eds.) *The Real State of the Nation: South Africa after 1990*. Johannesburg: INTERFUND, p35-42.

The concern of sectors of civil society was first, the change in economic policy. GEAR was an apparent retreat from the RDP's basic strategy of people-led "growth through distribution" towards a people-centred position of "redistribution through growth". Second, and significantly, was the way in which the policy was decided and implemented. It was announced without any prior consultation within the ANC or its alliance partners. As Cronin notes, "social partners were told it (GEAR) was non negotiable and written in stone." For Cronin, the ANC recognised that implementing GEAR was 'shock therapy' but felt it would work in the long run. They recognised that they could lose social movement support from parts of civil society but felt that after six months, when CSOs and other social partners had seen its benefits, all would be well.⁸⁵ In practice, however, social activist McKinley describes how South Africa's "new social movements"⁸⁶ were born as a result of this move to neo-liberalism, embodied by GEAR.⁸⁷ The real importance of the advent of GEAR for the purposes of this study is the extent to which it negated any democratic impulse, either within the ANC, or within the alliance. Was this the beginning of the end of any semblance of consultative democracy in the ANC, the alliance and the ANC-led government?

It was not only the move to GEAR that marked a change in some civil society/ANC relations. At the 1997 ANC conference, as mentioned earlier, Mandela "attacked civil society" and "criticised it for being critical of policies and government" and for "driving its own agenda".⁸⁸ For Meintjes this was the beginning of a strong sense of erosion of social capital and trust between civil society and government. Others agree that it was around 1996 that consensus-based decision-making began to end. It was at this point that the ANC started to develop into a more modern political party.⁸⁹ The implications for CSOs will be discussed in Section 6. It was at this time that parts of civil society started to act in *response* to the ANC, rather than in collaboration with it. For Leonard Gentle, after 1996 "civil society was more overt about ideas of policy that were wrong ... this divided civil society. Forces in the alliance saw the possibility of engagement could still generate options for civil society. But social movements outside that state saw the state as a problem."⁹⁰ It must be noted, however, that it was not necessarily in 1996 that a shift occurred in parts of civil society. The events of 1996 may have spurred a change in civil society perspectives, but for many organisations this was manifest only at the end of the decade.

⁸⁵ Interview with Jeremy Cronin.

⁸⁶ For a discussion on South Africa's new social movements see: Ballard, Richard, Habib, Adam, and Valodia, Imraan. (2006) *Voices of Protest: Social Movements in Post-apartheid South Africa*. Scottsville, South Africa: University of KwaZulu-Natal Press, and White, F. (2008).

⁸⁷ Interview with Dale McKinley.

⁸⁸ Interview with Sheila Meintjes.

⁸⁹ Interview with Ebrahim Fakir.

⁹⁰ Interview with Leonard Gentle.

4. THE ANC, THE ALLIANCE, AND CIVIL SOCIETY UNDER MBEKI

This section of the report deals with the relationships between the ANC and civil society during the two Mbeki presidencies, from 1999-2004 and 2004-2008, when he was dismissed by the ANC. However, the sections include some analysis beginning in 1996, as Mbeki was Mandela's *de facto* prime minister, and played a large role in shaping economic and international relations policies. Besides this periodisation, it emerges from the interviews that there was another one, characterised by changing relations of the ANC towards CSOs. Following the Mandela era, many respondents believe that until 1999, government was receptive to CSOs' input. From 1999-2004/5, "civil society was shown the door. In 2004/5 there was a thawing of relationships."⁹¹ Many respondents concur with this phrasing. For example, one observed that with the advent of the first Mbeki presidency, "the door to civil society did not slam immediately. It started closing when Mbeki came under pressure for bad policies, such as AIDS denialism and policy on Zimbabwe. He was also in denial about the high crime rate. He became defensive about criticism and policy failures. There was a period early in his incumbency, when [he] was prepared to listen to civil society."⁹² These periods roughly approximate the stages of identifiable changes in attitudes and actions of the ANC towards civil society; some commentators change the boundaries by a year or two. For example, Ferial Hafajee argues that once the Mbeki administration's attitude towards civil society had hardened, it remained that way until his exit from the presidency in 2008.⁹³ We shall explore the reasons behind this waxing and waning of ANC/civil society relations in the following sections

Obviously the relationships between the ANC and civil society are interactive, and there are constant dynamics between the two. However, for the purposes of analysis, we disaggregate these relationships: first, into the attitudes and behaviour of the Mbeki ANC government towards civil society, and then into the responses of CSOs to these attitudes and behaviour.

⁹¹ Interview with Ben Cousins, PLAAS. Cape Town 01 June 2009; interview with Adam Habib, Deputy Vice-Chancellor, University of Johannesburg. Johannesburg 14 September 2009; Paul Graham, CEO IDASA. Pretoria 10 June 2009.

⁹² Interview with Glenn Hollands, Eastern Cape rural activist, East London, 23 June 2009.

⁹³ Interview with Ferial Hafajee, Editor-in-Chief, *City Press*, Johannesburg, 14 July 2009.

4.1 The relationships between the ANC and civil society

Before exploring the relationship between the ANC and civil society under Mbeki, a few caveats are necessary. First, it is difficult to disaggregate Mbeki from the rest of the ANC.⁹⁴ He had a powerful influence over the organisation, both at Shell House and at the Union Buildings. As discussed in the introduction, he used a number of strategies to quell criticism and dissent within the party and government. Second, neither the ANC as party nor the ANC in government, were homogenous. Although Mbeki and his personality and management style dominated, there were conflicts of opinion. His refusal to recognise these ultimately led to his downfall at the Polokwane Conference in 2007. As one commentator observes, “there were two ANCs. One ANC that we saw at Polokwane, who wanted to engage civil society. But the other ANC did not.”⁹⁵ It must also be remembered that both COSATU and the SACP had representatives on the ANC NEC, and in Parliament and Cabinet. Thus, relationships become very complex, as responses to CSOs from “the ANC” come variously from the alliance partners, the party, government and the administration, all of which are subject to a range of influences and considerations. As Cronin observes, “the ANC was threatened by COSATU and the political influence that the SACP had on COSATU. In the ANC, the Mbeki element became dominant.”⁹⁶

Just as it is necessary to understand the heterogeneous constitution of the ANC, the alliance and government, so too is it necessary to consider the diversity of civil society actors. These include NGOs, CBOs, social movements and funders, in different sectors. They also perform different functions, from research and advocacy, to broad representation and mobilisation of membership. It is not possible to examine the ANC’s relationship with each kind of civil society actor, nor with each sector. As a result, broad generalisations are necessarily made.

Conventional wisdom has it that the relationship between the ANC and civil society was predominantly conflictual, and that this conflict expressed itself largely in strategies of exclusion. Examples from our interviews abound: one respondent claims that “Mbeki was suspicious of civil society” and “dismissive of civil society input;”⁹⁷ another that “there is ANC/civil society acrimony and suspicion;”⁹⁸ and another that “there was a very antagonistic relationship between the ANC and civil society, with low levels of trust ... There was no respectful engagement ... Mbeki’s approach was un-nuanced. There was no capacity to distinguish between progressive civil society and more right-wing, anti-transformational,

⁹⁴ Interview with Anthony Butler, Lecturer, University of Cape Town, Cape Town, 03 June 2009.

⁹⁵ Interview with Abie Ditlhake, Director, SADC NGO Council, Harare, 04 August 2009.

⁹⁶ Interview with Jeremy Cronin, Deputy Minister of Transport, Cape Town, 04 June 2009.

⁹⁷ Interview with civil society practitioner.

⁹⁸ Interview with Mazibuko Jara, ALARM, Cape Town 03 June 2009.

civil society ... Mbeki preferred to lump everyone together.”⁹⁹ However, upon closer examination, what emerges is a highly complex and nuanced relationship between these players. For example, Donovan Williams, a former SANCO NEC member, asserts that “Mbeki’s engagement with civil society was very nuanced;”¹⁰⁰ another civil society activist observes that, although predominantly “tense”, “there was a fluidity within the relationship, moving between co-operation and conflict, depending on the issue.”¹⁰¹

The following discussion will address the predominant perception of the dismissive and antagonistic approach of the ANC towards civil society, and attempt to explain it in terms of a number of factors. These are the historical nature of the ANC and its impact on the ANC and government; the imperatives of a modern political party; and Mbeki’s personal history and psychology. We will then explore exceptions to this conflict, and possible reasons for them. This section will conclude with a brief discussion of the implications of this largely conflictual relationship between the ANC and civil society.

4.1.1 The historical nature of the ANC and its impact on the ANC government

The primary characteristics of the ANC historically, as discussed in the introduction, are a tradition of Sovietism and a belief that the Party is the ‘saviour of the people’. Related and salient features of the ANC government are extensive incumbency and a circulation of elites. As we shall see, a range of commentators believe these factors to have influenced the conflictual relationship between the ANC, government and many CSOs.

First, the tradition of Sovietism in the Party meant that the ANC was highly centralised, hierarchical and bureaucratic.¹⁰² “Thus there was the super-imposition of a centralised mentality over the experiences of a decentralised [national] struggle in civil society, for example local civics, [members of the UDF] and so on.”¹⁰³ The centrist, statist managerial tradition of exile was anathema to the highly differentiated civil society which emerged during the struggle years within South Africa. Under Mbeki, the government assumed similar characteristics. The ANC had not tolerated criticism in exile, and if and when disputes arose, they were resolved within the Party. Similarly, the ANC in government was not prepared, publicly, to tolerate or engage with criticism. Thus the heritage of Sovietism resulted in the state squandering opportunities for constructive engagement with CSOs.

Another analyst endorses this argument, contending that the ANC under Mbeki “continued to contain and usurp civil space and perpetuate the myth that all interests were aggregated

⁹⁹ Interview with Fatima Shabodien, Director, Women on Farms Project (WFP), Cape Town, 05 June 2009.

¹⁰⁰ Interview with Donovan Williams, former SANCO NEC member, Johannesburg, 16 September 2009.

¹⁰¹ Interview with Janet Cherry, civil society activist, Johannesburg, 26 May 2009.

¹⁰² Interview with Michael Sachs, Chief Director: International Finance and Development, South African Treasury, Johannesburg, 03 June 2009.

¹⁰³ Interview with Russell Ally, Ford Foundation, Johannesburg, 01 August 2009.

in the ANC". He argues that this predisposition is so embedded and pronounced that South Africa does not have a modern state, it merely has the trappings thereof. He believes that ultimately we have an aristocratic class which says it rules for the good of all. Consultation under Mbeki was a myth; it only took place in the name of containing dissent.¹⁰⁴

Disputing this characterisation of Mbeki introducing a centralised state, another analyst argues that he inherited a centralised state. The Constitutional negotiations at Kempton Park show the ANC resisting decentralisation of power and the idea of federalism, because they felt it would emasculate the state. They needed a powerful state to undo the legacy of apartheid. He further argues that all states exert a hegemonising influence over civil society, urging civil society practitioners to conceive of civil society "as a relational terrain where the state should be expected to engage robustly with a range of actors, with the aim of disciplining or defeating them as it seeks to build ideological hegemony, instead of perceiving the state's intervention in this space as an anomaly and therefore evidence of a feudal social formation".¹⁰⁵

Contrary to these arguments, another political analyst insists "that it is important to dispel two myths".¹⁰⁶ The one is that within the Mbeki-led ANC party and government, there was no room for debate. He claims that within the NEC and alliance structures, every possible issue was raised, although there was a tendency for sycophantic politicians to position themselves favourably. The second myth is that there was a decline of the liberation movement or, as Cronin would have it, Zanufication of the ANC. He argues that this misses the point that it was inevitable that, with political power, the ANC would have to take on the form of a political party. The ANC is a political party, and cannot be the same organisation it was as a liberation movement. However, it continues to refer to itself symbolically as a liberation movement, as this gives it the weight of historical authority. Developing this argument, another respondent suggests that, just as civil society has to recognise its limitations (we shall return to this point in the following section), so too, does the ANC. It has to realise the difference between a movement and a political party. As a party, it cannot do everything it wanted to do as a movement.¹⁰⁷

This begs the question of why there are these apparently competing views of the ANC, one being that the ANC was always centrist, and that this translated into a centrist state, and the other being that the ANC was originally open and democratic, and then contracted into a Zanufied organisation. The explanation lies in which part of the ANC is being referred to: that in exile, which was, of necessity, characterised by Sovietism, or that which was

¹⁰⁴ Interview with Ebrahim Fakir, Electoral Institute of South Africa, Johannesburg, 17 August 2009.

¹⁰⁵ Comments by Thabo Rapoo, Director, Centre for Policy Studies, December 2009.

¹⁰⁶ Interview with political analyst, Cape Town, 09 July, 2009.

¹⁰⁷ Interview with Sheila Meintjes, Professor and Head of the Department of Political Studies, University of the Witwatersrand, and former Gender Commissioner, Johannesburg, 18 August 2009.

internal, and defined by the UDF and the MDM. The fact that Mbeki and many of his ministers had been in exile, and unfamiliar with the diversity of civil society during the struggle, became problematic for CSOs as they became either constrained by the hegemony of the ANC, or excluded, dismissed and ignored for allegedly being “ultra-left”, “unpatriotic” “racist”, lacking struggle credentials, or being manipulated by neo-colonial interests. However, the ties between the UDF and CSOs played out in another, paradoxical way, post-1994: ministers tended to feel betrayed at the first sign of criticism from CSOs, because of the historical alliance between them and the ANC.¹⁰⁸ This suggests that, in one way, the success of CSOs pre-1994, resulted in its relative failure, post-1994. Pre-1994, they acted in unison under the broad umbrella of the MDM, conducted by the ANC in exile. This relationship continued until about 1996. Thereafter, this hegemony smothered the independence and vibrancy of civil society actors, and any attempts made by them to be critical, even in a constructive way, alienated members of the ANC. As we shall see, the advent of the Treatment Action Campaign (TAC) and its subsequent criticisms of the ANC government’s response to HIV/AIDS, was a major turning point in the relationship between the ANC and members of civil society. “TAC undermined the confidence of, and in, Mbeki, and confidence of Mbeki in civil society.”¹⁰⁹

The second characteristic of the ANC speaks to its belief that it is the saviour of the people, and that the ANC state could achieve everything; that it could do it all; that it was the dominant force in society; and that it could deliver. Exiled leaders believed that the Party was vested with a unique historical mission to change society. This was expressed through a view that the ANC is the sole custodian of development, with a responsibility to complete the National Democratic Revolution (NDR) and lead Africa into its renaissance. The ANC bears a quasi-religious responsibility and access to truth and right.¹¹⁰ It did not require external input, and totally discounted the role of CSOs in building the state agenda. “Mbeki’s focus was on delivery. Issues of representivity and accountability became secondary ... A perception arose within the Mbeki presidency and government, that delivery was equal to democracy.”¹¹¹

The third characteristic of the ANC government which tends to make it unresponsive and insulated, is the problem of extensive incumbency. The ANC has been in power for too long. Without any real oppositional threat, it has become arrogant, less responsive and less accountable.¹¹² This view was tempered by Janet Cherry, who observes that, post-

¹⁰⁸ Interview with Glenn Hollands.

¹⁰⁹ Interview with Glenn Hollands.

¹¹⁰ Interview with Mark Heywood.

¹¹¹ Interview with Glenn Hollands.

¹¹² Interview with Michael Sachs, Chief Director: International Finance and Development, South African Treasury, Johannesburg, 03 June 2009.

Polokwane and in the run-up to the 2009 April elections, the formation of the Congress of the People (COPE), “gave the ANC a big fright”,¹¹³ especially in its stronghold of the Eastern Cape. She claimed that

... the ANC will be forced, because of the split generated by COPE, to reorganise and redemocratised, and be more inclusive of the people, and more responsive. The ANC was very threatened by COPE, and was going to communities in the Eastern Cape and grovelling for support. The emergence of COPE shattered ANC unity.¹¹⁴

Evidence of the damage created by COPE is that by May 2009, there had been no ANC Eastern Cape regional leadership since Polokwane. This obviously made it very difficult for local or regional CSOs to engage with the ANC. However, intimations that COPE may have posed a real threat to the dominance of the ANC have been scuppered as a result of the increasing fragmentation and disintegration of the newcomer since the elections.

The fourth defining feature of the ANC government is the circulation of elites. Mbeki had his own clique who were rewarded for their loyalty. He had a pool of supporters from which he could draw for Cabinet and other positions. Much of this patronage came from solidarity within this group when they were in exile. If Mbeki was crossed, he would neutralise his detractors.¹¹⁵ As we shall see, this same patronage pattern is evident in the Zuma Cabinet and administration. Such relationships of solidarity, forged through loyalty and patronage, do not allow for considerations of opinions outside the group.¹¹⁶ Thus any disagreement from CSOs (or members of the ANC itself), was dismissed.

This trait of the circulation of elites touches on the widespread concern of the extent of continuity between Party and state. One respondent claims that from 1999, there was a fusion of the ANC and the state. “The expansion of the Presidency [as discussed in the introduction] meant it became the ANC and government.”¹¹⁷ As mentioned previously, ANC members are deployed to a range of parastatal institutions and state positions; in the early years of the Mbeki government, MPs dominated the NEC,¹¹⁸ and MPs are deployed to other

¹¹³ Interview with Janet Cherry.

¹¹⁴ Interview with Janet Cherry.

¹¹⁵ Interview with Michael Sachs.

¹¹⁶ Not all appointments are based entirely on patronage, but many, arguably, are. This explains Mbeki’s refusal to brook any criticism of his Minister of Health, MantoTshabalala-Msimang, and her continuous incumbency in the position. An example of the circulation of elites is that of Gill Marcus. In 1970, she joined the ANC Information Department in the UK. She returned to South Africa and established the ANC Information Department in 1990. From 1991-1999 she was a member of the ANC NEC and from 1991-1994 was ANC deputy secretary for Information responsible for international publicity; from 1994-1998 she was an ANC MP, and from 1994-1996 she was a member of the Portfolio Committee on Finance; from 1996-1999 she was the deputy minister of finance; from 1999-2004 she was the deputy governor of the South African Reserve Bank, and in November 2009, began a term as the governor of the South African Reserve Bank (<http://www.whoshosa.co.za/Pafes/profilefull.aspx?lndl>).

¹¹⁷ Interview with Abie Dithlake, Director, SADC NGO Council, Harare, 04 August 2009.

¹¹⁸ Interview with Anthony Butler, Department of Political Studies, University of Cape Town, Cape Town, 03 June 2009.

spheres of government as provincial premiers and mayors of city metros. One respondent claimed that “the ANC NEC managed government business and to some extent determined cabinet work. Mbeki stage-managed NEC meetings” and “would shout down people on the left.”¹¹⁹ Some analysts believe that this is problematic, as it makes it difficult for CSOs to bring the government to account, not knowing where the boundaries are between ANC government and state. Furthermore, not only does the party merge with the state, but elements of civil society become absorbed into government: activists sympathetic to the ANC became government ministers, arguably bringing the interests of their constituencies with them, for example, in the case of COSATU. Thus, along a continuum, civil society becomes part of the Party and state. Other commentators believe that the marriage between the ANC and the state is a necessary evil, an imperative for service delivery: “The transition of the ANC into the state was necessary because of the delivery imperative.”¹²⁰ Frustration with the slow pace of delivery was growing, and questions were raised of ‘who can do the job’? There was a belief that the state would deliver.^{121 122} The capacity of the ANC, government and administration had to be marshalled to affect delivery.

However, there are those who contradict this argument, suggesting instead that the ANC was completely cut off from government, and that “policy making shifted from the ANC to government, rendering the ANC powerless. These shifts occurred with the emergence of GEAR.”¹²³ Similarly, Imraan Buccus claims that “the ANC is a non-existent actor. On its own it is not able to achieve its goals. The ANC has not found its voice yet. During Mbeki’s time the ANC was the lapdog of government.”¹²⁴

Some commentators have added to this list of ANC characteristics which weakened constructive engagement with civil society. Besides claims that local branches were weak and undemocratic, there are also concerns that participation was severely curtailed by leadership using the ‘alienating’ language of Marxism/Leninism, and not addressing practical issues, such as, for example, the xenophobic attacks of May 2008.¹²⁵

4.1.2 The imperatives of a modern political party

Paul Graham, Director of IDASA, observes that “Mbeki’s rule mirrors the way government is conducted in Western countries, for example, [that of] Tony Blair and Gordon Brown.”¹²⁶

¹¹⁹ Interview with Anthony Butler.

¹²⁰ Interview with Michael Sachs.

¹²¹ Interview with Michael Sachs.

¹²² Interview with Janet Cherry.

¹²³ Interview with Abie Dithlake.

¹²⁴ Interview with Imraan Buccus, Research Fellow, Centre for Public Participation. Durban 22 June 2009.

¹²⁵ Interview with a political analyst.

¹²⁶ Interview with a director of an NGO, Johannesburg, 10 June 2009.

Trevor Manuel, the Minister of Finance from 1996 until April 2009, and currently head of the government's Planning Commission, exemplifies this neo-liberal, modernist approach. Graham goes so far as to suggest that a certain personality type is necessary to lead a modern political party: "Mbeki and Blair are both arrogant and opinionated ... Mbeki believed he knew what was best for everyone."¹²⁷ We shall return to the personal characteristics of Mbeki, and the impact which they had on his governance style, in a later section of the report.

The transition from the Mandela presidency to that of Mbeki is often described as a transition from democracy to technocracy, concomitant with a shift in focus from policy formulation to policy implementation. Thus it can be argued that the governance style of the Mbeki period was not influenced as much by the ANC characteristics we have discussed, as it was by the primary function and demands of his eras, which was to get things done. As discussed in previous sections, the Mandela era was dominated by the principle of national reconciliation, and the practice of policy formulation allowed for, and encouraged, civil society participation. Mbeki inherited a swathe of policies, which now had to be implemented. Thus, many argue that the Mbeki government became less involved in democratic interaction and dialogue with the citizenry, as its focus was now on policy implementation and delivery, which required more technocracy and less direct democracy. The challenge for the Mbeki presidency was to develop 'expert' technocratic methods for the achievement of pre-determined ends, and "there was irritation from government regarding people who wanted to rethink underlying ... problems."¹²⁸ Democratic inclusion was not deemed necessary for this process, as, according to one commentator, the pervasive attitude was "we have the right policies and we just need implementation."¹²⁹

The developing lack of interest in engagement with civil society, and the stress on delivery, was explicitly articulated by cabinet ministers such as Steve Tshwete, Minister of Safety and Security, and Kader Asmal, Minister of Education, who insisted that negotiations with key interest groups had to be replaced by "getting things done".¹³⁰ A possible reflection of this pre-occupation with delivery was that "naïve" CBOs were accepted as "the real people". In an era of delivery, they were seen as being there to serve, but not to exert influence.¹³¹ They were "welcome to come along and help".¹³² A director-general of Land Affairs adopted a similar position to that of Asmal and Tshwete, claiming at a training

¹²⁷ Interviews with a director of an NGO, Abide Deathlike, and Sololá Manchu.

¹²⁸ Interview with Steven Friedman, Director, Centre for the Study of Democracy, Johannesburg, 27 July 2009.

¹²⁹ Interview with Janine Hicks, Gender Commissioner, Durban, 22 June 2009.

¹³⁰ Interview with Steven Friedman.

¹³¹ Interview with Janine Hicks.

¹³² Interview with Steven Friedman.

workshop that there were “too many workshops” and that there had been enough consultation.¹³³ There was also a sense that endless participation and consultation hinders implementation, and a related feeling of participation fatigue.¹³⁴ Under Mbeki, it felt like the doors were being shut. It was now time to get down to business.¹³⁵ Civil society was “decimated” as the ANC-government no longer wished to engage.¹³⁶ “Civil society was now an outsider.”¹³⁷ One respondent believes that shutting down consultation in favour of delivery was a mistake. “Consultation is not an end in itself. The mistake was to counterpoise consultation with a technocratic approach.”¹³⁸

4.1.3 Mbeki’s ANC policy choices

In addition to the imperatives of a modern political party, it is not possible to understand the conflictual relationship between the Mbeki ANC and government, and elements of civil society, without reference to the three major policies which characterised Mbeki’s tenure, and to which he intransigently adhered. These were the economic policies of GEAR and privatisation; his belief, with reference to HIV/AIDS, that a virus cannot cause a syndrome, and resultant disputes about HIV/AIDS policy and the roll-out of anti-retrovirals; and a policy of ‘quiet diplomacy’ towards Zimbabwe. There was also a major fall-out between government and CSOs over the ‘arms deal’. However, it must be remembered that NEC members and parliamentarians had opportunities to speak out, however limited these may have been. Pregs Govender and Andrew Feinstein resigned because of their disagreement on policies and the ways in which dissent was not tolerated. Again, to speak of the Mbeki ANC is shorthand, and does not exonerate other ANC players, or other government, state, political party and civil society actors.

Many interviewees suggest that the relationship between the ANC and CSOs changed as a result of irreconcilable policy differences, the response of CSOs to particular policies and their implications, and the Mbeki ANC government’s retaliation. This is important for understanding apparently different responses of the Mbeki ANC and government to CSOs during different periods of Mbeki’s rule. For example, one observes that “the beginning of the end of a collaborative relationship with civil society came already at the end of 1999, when [Mbeki] questioned the efficacy of ARVs. Fights around AIDS and AIDS denialism alienated him from civil society organisations, and began the period of the oppositional

¹³³ Interview with Ben Cousins, PLAAS, Cape Town, 01 June 2009.

¹³⁴ Interview with Janine Hicks, Commissioner, Commission for Gender Equality, Durban, 22 June 2009; interview with Imraan Buccus, Research Fellow, Centre for Public Participation, Durban, 22 June 2009.

¹³⁵ Interview with Ben Cousins.

¹³⁶ Interview with human rights activist, Johannesburg, 05 August 2009.

¹³⁷ Interview with Ben Cousins.

¹³⁸ Interview with Ben Cousins.

relationship with civil society. This relationship remained until the end of 2008.”¹³⁹ Others believe that the disengagement of CSOs began before this, with the advent of GEAR: “There were shifts [in ANC/civil society relations] with the emergence of GEAR. GEAR crystallised disengagement [between the two] ... There was now an ‘attitude’ towards civil society. This is [also] demonstrated by responses to TAC. There was serious consternation about TAC and the policy process.”¹⁴⁰

4.1.4 The nature of the ANC’s engagement with civil society: strategies of inclusion and exclusion

Notwithstanding the above discussion of the implications for CSOs of a range of ANC and government characteristics and the rise of a modern political party, engagement between the ANC, the Mbeki administration, and civil society continued to take place. However, it was the nature of this engagement, compared to that under the first few years of the Mbeki government, which changed. Broadly speaking, Mbeki employed two strategies in his relationship with CSOs: he either included them in decision-making, but in a very particular way; or he ensured their exclusion, using particular methods. We shall first discuss his ‘inclusionary’ tactics.

Many respondents illustrated the nature of the Mbeki ANC government’s relation to civil society as being ‘top-down’ and ‘one-way’. Participation was on the ANC government’s terms, or on the president’s terms, characteristically procedural and technocratic. It was also “centrist” and “micro-managed”.¹⁴¹ Many of Mbeki’s meetings with the formal forums representing various sectors were not characterised by engagement, but rather by Mbeki “... lecturing. They were not used for exchanging ideas.”¹⁴² “He hand-picked their membership, and communication was one-way. They were basically briefing sessions for various sectors.”¹⁴³ To the extent that he did listen to their ideas, it is doubtful that they had any impact.¹⁴⁴

One respondent said that “under Mbeki there was a feeling that CSOs were involved in policy processes for the sake of it.” She explains that a review of the Sexual Offences Act (1957) was introduced at the beginning of Mbeki’s tenure. It was re-drafted multiple times, and there were numerous public hearings. Yet a very important clause was inserted which was not based on consultation with CSOs, and subsequent civil society input was dis-

¹³⁹ Interview with Ferial Hafajee.

¹⁴⁰ Interview with Abie Dithlake.

¹⁴¹ Interview with a director of an NGO.

¹⁴² Interview with Ferial Hafajee, 14 July 2009.

¹⁴³ Human Rights Activist. Johannesburg 05 August 2009.

¹⁴⁴ Interview with Imraan Buccus, Interview with Ferial Hafajee, interview with Tinyiko Maluleke, President, South African Council of Churches, Pretoria, 14 July 2009. Interview with a human rights activist, Johannesburg, 05 August 2009.

allowed. In 2007, the Sexual Offences Amendment Act was passed by the Department of Justice and Constitutional Affairs. Many interviewees agree with this characterisation of the Mbeki era. Richard Worthington of the World Wildlife Fund observes that under Mbeki, the government/civil society relationship was much hollower. The exercise of running workshops characterises this era. “The consultative and participatory processes were reduced to going through the motions.”¹⁴⁵ Government would listen to what civil society was saying, allow comments, and then do what they wanted to do. He adds that increasing compromises had to be made, but civil society was also not sufficiently mobilised to fight their corner. Notwithstanding the weakening of civil society, government did produce decent policy papers.¹⁴⁶

Tinyiko Maluleke, President of the SACC, relates two incidents of religious leaders’ attempts to engage with Mbeki. The first concerned Zimbabwe, the second, Jackie Selebi.

The SACC has members in Zimbabwe, who are close to the people, and who had witnessed first-hand the violation of human rights which was being perpetrated. They know what is going on, not only directly, but also through their members. The ANC-government did not engage with them. They were told what the government was doing, and given platitudinous assurances that government was making a meaningful intervention, even when a large meeting with religious leaders from all over Africa was held. The meeting lasted for two hours, two months before Mbeki was removed. Church leaders presented dossiers of horror pictures of Zimbabwe. But it was if the church leaders and government were talking two different languages. The president was talking techno-speak, a language of strategy and negotiation, whereas the church leaders were talking human beings, lives, death and hunger. There was real communication.¹⁴⁷

A group of church leaders met Mbeki and raised concerns about the integrity of Selebi, his link to Glen Agliotti, and asked for his immediate suspension. Mbeki told them “there was no cause for concern. If anything comes up, I’ll be the first to call.” Of course he didn’t. The relationship between the SA Council of Churches (SACC) and Mbeki was unworkable.¹⁴⁸

According to Maluleke, under Mbeki, the relationship between the SACC and the ANC also suffered. The ANC has a religious desk at Shell House. There is a sector within the ANC which has a negative perception of the SACC. It believes that the church is responsible for destroying African culture and values and that it is part of colonialism and the suppression of Africans. The desk at Shell House represents this view, and is difficult for the SACC to engage with. Besides, during the Mbeki era, this desk was dysfunctional.¹⁴⁹

These perceptions and anecdotes are important, as they raise the possibility that consultation may sometimes be theatre; a process undertaken to legitimate certain policies and forge ownership and acceptance by the citizenry. Government can argue that people

¹⁴⁵ Interview with Richard Worthington, South Africa Climate Change Programme Manager, World Wildlife Fund, Johannesburg, 19 August 2009.

¹⁴⁶ Interview with Richard Worthington.

¹⁴⁷ Interview with Tinyiko Maluleke.

¹⁴⁸ Interview with Tinyiko Maluleke.

¹⁴⁹ Interview with Tinyiko Maluleke.

cannot complain about legislation or policy, as they were consulted during the formulation process.

An oft-heard refrain during this research was “there was no space for discussion and critique, Mbeki did not listen.”¹⁵⁰ Positing an alternative view, one respondent argues that, as president of the ANC and of the country, it was not Mbeki’s role to engage in robust debate. It was his job to listen, which, this respondent argues, contrary to opinions presented above, he did. “He would meet with the NEC, and give a briefing. Then we would expect discussion amongst NEC members on the issues he had presented. He would not intervene. He would sit quietly, listen, and take notes. He would consider what he had heard, and make decisions based on that input. That was his role as a democratic president.”¹⁵¹

Another Mbeki strategy was to engage with customised institutions that would not oppose him. An example of a veneer of the ANC government’s engagement with representative civil society, is that of the National Association of People living with Aids (NAPWA). It consisted entirely of black people, and Mbeki and elements within the ANC attempted to pit it against the white and coloured Treatment Action Campaign (TAC), thus questioning the legitimacy of TAC. This dual approach effectively killed two birds with one stone, creating both the impression of engagement with civil society, and the exclusion of a major social movement.

In the light of Mbeki’s questioning the representivity of CSOs, it is ironic that he hand-picked members of bodies such as NAPWA and the presidential sectoral groups with whom he ‘consulted’. Meerkotter gives yet another example of this tactic, citing the AIDS Council. It constituted representatives from all sectors of society and government departments. It represented 26 civil society sectors. Thus there was a ‘built-in’ engagement with civil society. The problem, she argues, was with the conceptualisation of engagement, and she raises the question of whether representatives speak for the whole sector: “Who do they really represent? Is this not just the creation of a sense of civil society representation? Government decides with which sectors to engage. So although it does try to engage with civil society, the problem is with the flawed process.”¹⁵²

Mbeki’s methods for excluding civil society included derision and deligitimation of his detractors. For example, he questioned the representative credentials of certain CSOs. He was hostile towards NGOs who do not have a membership base, asking “who are you in civil

¹⁵⁰ Interview with Mark Heywood.

¹⁵¹ Interview with Donovan Williams, former SANCO NEC member, Johannesburg, 1 September 2009.

¹⁵² Interview with Anneke Meerkotter, Director, Tshwaranang Legal Centre, Johannesburg, 08 August 2009.

society to speak on behalf of people?”¹⁵³ According to Steven Friedman, “Mbeki became irritated with ANC-aligned civil society, and started to bypass them. For example, he bypassed COSATU and TAC to engage with white-led trade unions.” But “he didn’t threaten civil society [organisations] from outside the ANC, only from within. CSOs close to the ANC were negatively affected more than others during Mbeki’s time.”¹⁵⁴ He also questioned the struggle credentials of people in CSOs, asking “where were you during the struggle?”¹⁵⁵ Ironically, so do leaders of CSOs, one claiming that a problem with Mbeki was that he lacked “capacity to distinguish between progressive civil society and more right wing civil society, that is, people who had no history of political activism during the apartheid era.”¹⁵⁶ Reinforcing the argument that struggle credentials were important if one was to be heard, Meintjes argues that in 1997, there was an idea that the state was not going to listen to people who hadn’t fought the struggle. The exiles ran the show. This was a slap in the face for people in the townships who had been at the barricades and suffered the worst excesses of apartheid.¹⁵⁷ Here we see implications of the leadership traditions within the Party, as discussed in the introduction. Not only did these traditions characterise political styles, they were also divisive in a post-1994 ‘democratic’ South Africa, in terms of who led, and who was expected to unquestioningly follow. This division has to be negotiated.

Accusations and pillory can also silence opposing viewpoints. The ANC, assured of its position as the dominant player in the tri-partite alliance, is harsh with its partners. For example, in September 2002, Mbeki ruthlessly criticised COSATU at the party’s policy conference, after the union movement had called a two-day national strike against privatisation. He charged that a faction of ultra-leftists was intent on implanting itself in the ANC ranks, seeking to advance its agenda through “abuse of our internal democratic processes”. He alleged that it misrepresented “the national democratic revolution as being nothing more than a deceitful manoeuvre to camouflage an anti-working class and pro-capitalist programme.” He continued to accuse the ultra-left of transforming the national democratic struggle into “an offensive for the victory of socialism”, despite occupying “the same trench” as anti-socialist forces (that is, right-wing parliamentary opposition) which they claim are their sworn enemies.¹⁵⁸ Trevor Ngwane explains that “for Mbeki, being

¹⁵³ Interview with Imraan Buccus.

¹⁵⁴ Interview with Steven Friedman.

¹⁵⁵ Interview with Trevor Ngwane.

¹⁵⁶ Interview with Fatima Shabodien, Director, Women on Farms Project (WPF), Cape Town, 05 Jun 2009.

¹⁵⁷ Interview with Sheila Meintjes, Professor and Head of the Politics Department, University of the Witwatersrand, Johannesburg, 18 August 2009.

¹⁵⁸ Mbeki cited in Lodge, T. (2004) p 202.

‘ultra-left’ meant being counter-revolutionary. This was the same as being in cahoots with the right wing; that the ultra-left had the same agenda to undermine the ANC.”¹⁵⁹

Anneke Meerkotter, Director of the Tshwaranang Legal Centre, argues that in relation to gender issues ANC rhetoric of embracing CSOs is there, but the political will and real interest are not. She argues that “people in the ANC are not really interested in gender issues” and do not understand them: “If gender machinery in government, including the Women’s Desk, does not have a clear understanding of gender issues, it cannot provide adequate oversight.”¹⁶⁰ She links dominant attitudes towards gender relationships with those on women’s issues, and argues that unless attitudes within the ANC and government change fundamentally, progressive policies will not emerge. She claims that “the ANC has ‘backward ideas’ around women. They know the rhetoric but they have reactionary or conservative personal views which are not different from those of the police and many in the civil service. There is no-one in leadership positions who express alternative attitudes. Women leaders don’t stand up for women’s rights. We can lobby for policy change, but we also need to change attitudes and the pervasive backward mentality. Leaders really have no respect for women. Tokenism is practiced, for example, in terms of quotas of women in government, and so on. When challenged, policy-makers get defensive, or their responses are platitudinous and insincere.”¹⁶¹

4.1.5 Mbeki’s personal history and psychology

“The relationship between Mbeki and civil society was primarily conditioned by the personality of Mbeki.”¹⁶² Many commentators, analysts and authors believe that the style of ANC government during the Mbeki era was definitively stamped by his personal history and psychology, which gave rise to particular responses and strategies.¹⁶³

First, they draw on his elite family pedigree, which, they argue, meant a lot to him and which he believes places him above ‘commoners’ such as Zwelinzima Vavi, whose parents were farm labourers.¹⁶⁴ He had been an elite child in a rural area, helping poor, illiterate people with writing and reading letters. “Zuma was one of those kids Thabo would have been reading letters to.”¹⁶⁵

¹⁵⁹ Interview with Trevor Ngwane.

¹⁶⁰ Interview with Anneke Meerkotter, Director, Tshwaranang Legal Centre. Johannesburg 08 August 2009.

¹⁶¹ Interview with Anneke Meerkotter.

¹⁶² Interview with Imraan Buccus, Research Fellow, Centre for Public Participation, Durban, 22 June 2009.

¹⁶³ See for example, Mark Gevisser (2007). *Thabo Mbeki: A Dream Deferred*.

¹⁶⁴ Interview with Xolela Mangcu, political analyst, Johannesburg, 12 August 2009.

¹⁶⁵ Interview with Xolela Mangcu.

Second, they point to his impressive educational background, culminating in a degree from the University of Sussex, and present him as an intellectual, rational thinker.¹⁶⁶ They characterise his view of the world as ‘modernist’, both philosophically and epistemologically. He rejected anything that was ‘unscientific’. These personal characteristics are used to explain his disdain towards parts of civil society and actions such as strikes and protests, which he cast as rabble-rousing and irrational. Mbeki never had mass-based support.¹⁶⁷ Compared to his gentleman’s background, mass-based civil society was messy and inconvenient. It was fractured, fractious, and unco-ordinated. It was beneath him to engage with “the great unwashed”.¹⁶⁸ His world was one of pubs, luxury hotels and boardrooms, not one of military camps and township streets. A related argument is that Mbeki had a very clear sense of what was important, and “constructed a world of rational answers and technical solutions”.¹⁶⁹ He believed that if he posited an argument, everyone should agree; if he threw light on a subject, everyone should be able to see the way. He didn’t require or value others’ inputs.

Third, during his years in exile, and influenced by numerous thinkers, Mbeki developed an interest in African identity.¹⁷⁰ This informed his conviction that whites believed that blacks could not govern, and he became determined to prove them wrong. Thus, he often responded to criticism by playing the race card; if his critics were white, they were racist. If they were black, they were unpatriotic. This approach could also have been calculated to delegitimise opponents and cast them as enemies.

Fourth, combined with this hegemonising approach, ANC leaders, including Mbeki, believed that they had acquired a certain status and licence, having made enormous sacrifices to liberate South Africa from apartheid. Successive electoral victories compounded this idea, accompanied by an apparent mis-understanding of their mandate and constitutional permission. It is clear how a combination of these factors lead them to believe that they had an unqualified right to rule, and were not obliged to brook criticism or interference from an independent civil society. It could deliver as a conduit of the state, but not assert its independence outside the state or ruling party.¹⁷¹ Personally, Mbeki was a hegemon who could not countenance criticism or opposition, inside or outside the ANC. His attitude was that “the ANC is all.”¹⁷² Shabodien agrees. She argues that the ANC acts as if involvement in the liberation struggle gave government an unqualified mandate to govern.

¹⁶⁶ Interview with Xolela Mangcu, interview with Janet Cherry.

¹⁶⁷ See Mark Gevisser (2007).

¹⁶⁸ Interview with Xolela Mangcu.

¹⁶⁹ Interview with Xolela Mangcu, interview with Imraan Buccus.

¹⁷⁰ Gevisser, M.

¹⁷¹ Interview with Mark Heywood.

¹⁷² Interview with Ferial Hafajee.

But an engaged civil society is necessary to hold the government accountable, and voting every five years is not enough to do this.¹⁷³

Fifth, Mbeki harboured a dis-ease concerning the possible damage that CSOs could inflict, if manipulated by unsympathetic or expedient players. We have addressed Mandela's famous Mafikeng speech, largely written by Mbeki, asserting the ANC's concerns about civil society. Mbeki expressed similar misgivings in a speech at the launch of the Forum of Black Journalists:

... we should appreciate the fact that if organs of civil society can be utilised to oppose Apartheid and colonial rule, they can by the same token, wittingly or unwittingly, be manipulated or positioned in such a way that the ultimate effect of their operation serves to frustrate the people's march towards the total emancipation of our society.¹⁷⁴

In the context of this analysis offered by Heywood, it is instructive to briefly examine the ANC's relationship with TAC, as it exemplifies the Party's attitude towards critical civil society.

AIDS was the first open battleground between the Mbeki presidency and civil society. The HIV/AIDS debate began at the beginning of 1998. The beginning of the end of a collaborative relationship with civil society began at the end of 1999, when Mbeki questioned the efficacy of ARVs. Fights around AIDS alienated him from civil society actors, and began the period of the oppositional relationship, which was never mended.¹⁷⁵ To the extent that some analysts argue against a 'one man theory of history', and that policies and practice cannot be personalised, but must be seen within the context of party, government and other external factors, Heywood is very clear on this issue: "Mbeki's AIDS denialism was neither government nor ANC policy. It was Mbeki's privately held belief."¹⁷⁶ TAC was launched in December 1998, to campaign for access to treatment for poor people. Ironically, its mission was partly to support government and the ANC in the fight against unscrupulous pharmaceutical companies profiteering off essential medicines. TAC believed that reducing the prices of ARVs would make them affordable for the government to purchase to make available in the public sector. In its first months, TAC had cordial meetings with then Minister of Health, Nkosazana Zuma, who encouraged TAC's campaign to reduce the price of AZT.

¹⁷³ Interview with Fatima Shabodien.

¹⁷⁴ Mbeki, Thabo. Cited in Heywood.

¹⁷⁵ Interview with Ferial Hafajee; interview with Sheila Meintjes, Professor and Head of the Department of Political Studies, University of the Witwatersrand, and former Gender Commissioner, Johannesburg, 18 August 2009.

¹⁷⁶ Interview with Mark Heywood.

However, as the relationship between TAC and the ANC grew increasingly fractious, Mbeki played the race card, and his ministers questioned the motives of white and coloured leaders, implying that they were manipulating 'our people'. He defended the unethical conduct of the Health Minister. Leaders within the ANC who opposed AIDS denialism, were given short shrift.¹⁷⁷

When government found itself in court in a succession of cases against TAC, it mobilised the state's financial resources. In the case against the minister of health, it spent over R5 million on legal fees of the state's counsel. Heywood argues that Mbeki's Executive undermined the constitutional right of 'access to courts' (s34), by taking advantage of the state's financial resources.¹⁷⁸

Yet TAC remains the best example of a very successful social movement that has a real impact on policy. Furthermore, there was no consensus within the alliance, or within the ANC, on whether to support or censure it. The Mbeki ANC saw it as an anti-government force, and other elements of the ANC supported it; COSATU supported it and so did the SACP. However, the position which dominated the ANC's public response was hostility towards it.¹⁷⁹ One can assume that there were factions within the ANC who variously agreed and disagreed with policies and positions within the ANC and civil society, although these were not always evident. As discussed previously, Mbeki did not tolerate dissent, and surrounded himself with people who agreed with and supported him. Those who became intolerably critical were silenced or marginalised.

As we saw in the introduction, Mbeki was also intolerant of criticism of GEAR. On these grounds, he accused COSATU and the SACP of being 'ultra-left', which meant counter-revolutionary and insurrectionary. Mobilising the hegemonising influence of the ANC, he deligitimised dissent.¹⁸⁰

4.1.6 Caveats and consequences

This discussion might paint a bleak picture of the relations between the Mbeki-led ANC government and civil society. However, as mentioned in the introduction to this section, some analysts present a more nuanced and complex picture of the ANC government relations with civil society, and say that they were mixed, often oppositional, but sometimes amicable.¹⁸¹ For example, they point out that the labour movement made

¹⁷⁷ Interview with Mark Heywood.

¹⁷⁸ Interview with Mark Heywood.

¹⁷⁹ Interview with Jeremy Cronin, Deputy Minister of Transport, Cape Town, 04 June 2009.

¹⁸⁰ Interview with Trevor Ngwane, Soweto Electricity Crisis Committee, Johannesburg, 25 June 2009; interview with Ferial Hafajee.

¹⁸¹ Interview with Janet Cherry; interview with Donovan Williams, former SANCO NEC member, Pretoria, 17 September 2009.

substantial gains with labour-friendly policies, and gender activists acknowledge progressive legislation was passed. During Mbeki's 'prime ministerial' period under Mandela, the Choice on Termination of Pregnancy Act (Department of Health 1996) was passed, and the Domestic Violence Act (Department of Social Welfare 1998) and the Recognition of Customary Marriages Act (Department of Home Affairs 1998) were promulgated.¹⁸² Yet an ongoing concern is with the implementation of this legislation.¹⁸³ There are numerous other examples of the influence that CSOs had in shaping policy under Mbeki. For example, Gun Free South Africa was very instrumental in the formulation of the Firearms Control Act. The South African Gunowners' Association was vocal and influential in the post-apartheid era under both Mandela and Mbeki in public debates around gun control. The Institute of Security Studies played a role in many security policy processes relating to the control of mercenaries outside South Africa. The Centre for the Study of Violence and Reconciliation made valuable inputs into the National Crime prevention Strategy in the late 1990s and early 2000s, and Mark Shaw, at that time a researcher at CPS, wrote large tracts of the policy which was translated into legislation. Mbeki, as deputy president, also established the National Development Agenda to provide greater focused funding support to CSOs at the time when many of these organisations were collapsing due to donor funding drying up in the mid-1990s.

The ANC never evinced an outright authoritarian attitude towards civil society. "People protested all the time, every day, in South Africa. It is a totally normal part of political life."¹⁸⁴ "If we compare the ANC's relationship with civil society organisations to those of other parties and civil society organisations in the region, civil society is very free. We don't get killed, tortured, imprisoned. We may be out of favour, and it is easy for government to marginalise, sideline and make people *persona non grata*. But there is space for diversity."¹⁸⁵ Relating the role of the media, Ferial Hafajee, former Editor-in-chief of the *Mail & Guardian*, and currently Editor-in-chief of the *City Press*, observed in her Harold Wolpe Memorial Lecture:

Our newspapers and talk shows are a cacophony of opinions. In a week, we are treated to Tim's lateral mind, John Perlman's probel, Xolela Mangcu's left field, John Matshikiza's whimsy, John Kane-Berman's incisive conservatism ... occasionally Mondli Makhanya's perspicacious states of the nation ... Pregs Govender takes on patriarchy; Rhoda Kadalie takes on everything ... There are labour views and Free Foundation assessments; the Reserve Bank governor takes on the unions; mining bosses opine on the various transformative pieces of legislation and the DG tells them right off.¹⁸⁶

¹⁸² Interview with Anneke Meerkotter.

¹⁸³ Interview with Anneke Meerkotter.

¹⁸⁴ Interview with Janet Cherry.

¹⁸⁵ Interview with civil society activist, Johannesburg, 05 August.

¹⁸⁶ Interview with Ferial Hafajee; Harold Wolpe Memorial Lecture n.d.

Some commentators, including a director of an NGO and a human rights activist, point out that “there was never an attempt to stop funding [by the Mbeki administration]¹⁸⁷, although questions were raised about what conditionalities the funders were imposing on research agendas. “The Foundation for Human Rights has funded the TAC, the LPM, the ALP and Khulamani ... There is democratic space, and the government has not interfered, or tried to dictate who funds whom.”¹⁸⁸ Anneke Meerkotter also notes that in some parts of the executive, such as in the Department of Justice, there is constructive and productive collaboration with civil society. The Department “recognises civil society and the resources in civil society. It is willing to ask for help. There are people who are good at engaging with civil society.” There is, however, “lots of politics in government departments about how to engage with civil society.”¹⁸⁹

To the extent that organised business aggregates and represents a set of interests within society, black economic empowerment, and later, broad-based black economic empowerment, advantaged the black middle class. In fact, many argue that the most privileged group under Mbeki was the black middle-class, which benefited from his project of building a black bourgeoisie.¹⁹⁰

Yet there is ongoing concern over policy implementation, and many civil society analysts and activists expressed concern about the lack of CSOs’ influence on policy implementation. Sheila Meintjes notes that the three primary acts regarding gender relations had not been properly budgeted for, and therefore were not implementable. Police were being asked to do things that they cannot do, both in terms of their skills, training and mandate, and in terms of lack of resources.¹⁹¹ Worthington also expresses his concern with policy implementation. He claims that government has “cherry picked” bits and pieces of environmental legislation and worked from those.

The largely conflictual relationship ultimately had negative consequences for society in general. For example, had the ANC embraced TAC, it could have built a more collaborative relationship resulting in positive gains for society. Both parties would have had to compromise, but together they could have bolstered health services in a way that extracted concessions from Western pharmaceutical companies.¹⁹² Another example of such collaboration is that the state could have participated in enhancing farmworkers’ rights.

¹⁸⁷ Interview with a director of an NGO.

¹⁸⁸ Electronic transcripts from Raymond Suttner, Research Professor at UNISA and a former ANC/SACP underground operative and political prisoner.

¹⁸⁹ Interview with Anneke Meerkotter.

¹⁹⁰ Interview with Janet Cherry.

¹⁹¹ Interview with Sheila Meintjes.

¹⁹² Interview with Michael Sachs.

There was no civil society strategy for this. The state could have collaborated with civil society in constructing a coherent organisation of farmworkers, involving citizens, the National Land Commission, the Landless People's Movement, and so on. But because COSATU has been unable to unionise agricultural workers, the state has not been able to transform rural relations. Furthermore, skills development and the SETAs failed. Community policing forums failed. These failures are functions not only of the state's inability to engage with, and support, civil society, but of civil society's inability to engage productively with the state, rather than making claims against it.¹⁹³

4.2. The relationships between civil society and the ANC

This discussion concerns itself with the following issues: first, how did CSOs perceive the Mbeki administration's responses to their efforts at engagement, based both on perception and experience? Second, how did they react? It must be noted that CSOs were not merely reacting to the Mbeki ANC government's treatment of them. They were also responding to ongoing policy formulation, and the impact of policy implementation, and in so doing, they developed a range of strategies and tactics. To reiterate, the policy positions which dominated the Mbeki era were GEAR and privatisation, those on HIV/AIDS and the (non)-provision of anti-retrovirals, and the policy of 'quiet diplomacy' on Zimbabwe. Many organisations believed that these policies exacerbated unemployment and poverty, and resulted in the deaths of people denied access to anti-retroviral medication, and of people subject to the Mugabe regime. CSOs' responses to government are also informed by the types of organisations (such as, for example, NGOs or mass-based social movements), their functions in society (for example, research, advocacy or mass mobilisation), and the resources which they have at their disposal, both in terms of financial and human capacity, access to those in positions of power and influence. Third, we shall explore the impact, if any, which these organisations had on shifting state policy and practice. However, the apparent impact which CSOs have on policy formulation or implementation usually cannot be claimed by these organisations alone. Often, there are other factors or actors which, combined with CSOs' actions, produce results. It is very difficult to determine or argue a direct 'stimulus-response' relationship between civil society interventions and changes in policy.

It is useful to understand CSOs' responses to the Mbeki ANC government through a lens of periodisation of civil society/government relations, within the broader context of policy formulation, implementation and impact. The years from 1998-2007 can be divided into 'ideal' periods of CSOs' relations with the Mbeki administration: first, from 1998-2003, there was a predominant stand-off between civil society and the state. This period was also largely characterised by the rise of social movements, from global level (for example

¹⁹³ Interview with Michael Sachs.

Jubilee South Africa), to national and local level. These included the TAC, the Anti-Privatisation Forum (APF), the Soweto Electricity Crisis Committee (SECC), and the Landless People's Movement (LPM). From 2003-2005 there was an apparent thawing of relationships between major CSOs, allegedly in response to shifts in state policy and the development of a greater synergy between CSOs' concerns, and the ANC government. From 2005 onwards, some commentators argue that civil society/ANC government relations were eclipsed by the succession struggle.

4.2.1 *Perceptions and experiences of Mbeki administration's approach to civil society*

In 2003 Gerhard Mare wrote: "... the liberal space created in the immediate aftermath of 1994 and during Mandela's presidency is closing down. An intolerance of dissent marks Mbeki's style ... The government even had to take on the Constitutional Court as that state organ is called upon to enforce service delivery."¹⁹⁴ How did civil society actors understand and respond in this context?

Civil society represents a multitude of interests and voices, and, as such, develops a plurality of relationships with government. A continuum, ranging from total rejection to collaboration, characterises CSOs' perceptions and experiences of the Mbeki administration's approach to them.

Beginning at one end of this continuum, based on the interviews conducted for this project, there is an overwhelming impression that many civil society actors perceived the Mbeki administration's approach to them as a betrayal. Many became deeply disillusioned and angry with the ways in which they were marginalised, dismissed and ignored, or pilloried, reprimanded and insulted. They believed that the Mbeki administration was so impenetrable, and its policies unconscionable, that they engaged in mass mobilisation in their attempts to be recognised and have their objections heard, especially social movements. Ferial Hafajee, Editor-in-chief of the *City Press*, believes that "the relationship between civil society and the ANC took the form of the anti-apartheid struggle, when organisations were in opposition to government. They regarded Mbeki as illegitimate, a murderer, and accused him of genocide."¹⁹⁵ Similarly, an analyst remarks that "civil society was not that happy. They questioned why they had to go to the streets to make an impact. They asked 'is this the same as apartheid?'"¹⁹⁶ It is significant that both commentators hark back to apartheid to describe the acrimonious relationship between elements of civil society and the Mbeki ANC government. Although the Constitution guarantees freedom of speech and association, there were times when the state resorted to violence against social

¹⁹⁴ Mare G (2003). The state of the state: contestation and race re-assertion in a neoliberal terrain in Daniel J., Habib A. and Southall R. (eds). *State of the Nation : South Africa 2003-2004*. Cape Town: HSRC Press p 37.

¹⁹⁵ Interview with Ferial Hafajee, Editor-in-chief, *City Press*, Johannesburg, 14 July 2009.

¹⁹⁶ Interview with Steven Friedman.

movement protests. One commentator reports that “social movements were beaten by police during Mbeki’s time.”¹⁹⁷ Levels of antipathy reached stages which were reminiscent of relationships between anti-apartheid organisations and the apartheid state. The tension between civil society and the Mbeki administration finally exploded in 2002 around the World Summit for Sustainable Development (WSSD):

The immediate response of the ANC state to the emergence and activities of the new social movements was to embark on a political propaganda campaign that sought to portray these movements and their activists as ‘criminals’ and ‘anarchists’. When this seemed to have little effect on the activities and growth of the social movements, the ANC leaders chose to use the state’s repressive apparatus to launch a co-ordinated ‘law and order’ crackdown. This culminated in physical assaults on, and arrests and imprisonment of, hundreds of social movement activists and community members across the country before, during and after the [World Summit on Sustainable Development] (WSSD).¹⁹⁸

An interviewee asserts that “the WSSD was a watershed. It showed the tensions between civil society and government ... it was a culmination of this tension.”¹⁹⁹

There is a pervasive sense that one of the problems perceived with the Mbeki administration’s approach to civil society is that it failed in its obligation to actively approach, and facilitate, engagement with it. For example, one commentator argues that “the state was obliged to facilitate participation, but it wasn’t doing this. Participation was always on the state’s terms. So the state can say it complied with stated commitments, but it did not really facilitate effective engagement.”²⁰⁰ Another respondent went so far as to claim that “the state failed to understand what participation is.”²⁰¹ Speaking on the acrimonious relationship between Mbeki and the TAC, an analyst observes that “from the TAC’s point of view the conflict was intense because Mbeki was behaving in a way that was inexplicable. Mbeki was supposed to be on the side of the people.” He argues further that “under Mbeki some felt there was a repression of social movements.”²⁰² But perhaps these criticisms of the Mbeki administration are mis-placed, and it is those CSOs and activists who hold these views, who do not understand the nature of civil society participation. As Donovan Williams, a former SANCO NEC member argues,

Civil society must accept that government is the ultimate, legitimate authority. Civil society is entitled to disagree with government, and raise matters. It can advocate and advance its interests and issues. But it cannot expect the ANC or government to necessarily take them on board, or agree with them.

¹⁹⁷ Interview with S’bu Zidoke, Abahlali baseMjondolo, Durban, 22 June 2009.

¹⁹⁸ McKinley D.

¹⁹⁹ Interview with Abie Dithlake.

²⁰⁰ Interview with Imraan Buccus, Research Fellow, Centre for Public Participation, Durban, 22 June 2009.

²⁰¹ Interview with Janine Hicks, Gender Commissioner, Durban, 22 June 2009.

²⁰² Interview with Steven Friedman, Director, Centre for the Study of Democracy, Johannesburg, 27 July 2009.

Civil society/government relations need to mature. All civil society organisations want special relations with government; all want all their ideas to be taken on board...Civil society can only be as strong as its relationship with government. [Currently], it does not have a mature partnership. It should be able to both agree and disagree; its relationship doesn't have to be either/or and polarised. Its disagreement shouldn't nullify its agreement with government on certain issues. What makes individual organisations believe that they ought to have a privileged place at the decision-making table?"

He continues to suggest that CSOs must exploit the formal institutions and processes which government has established for civil society engagement. For example, "at local level [they] must use Ward Committees ... If they don't participate in these structures, they can't complain that they are not represented."²⁰³

This confusion is possibly a result of the historical hegemonising tendency of the ANC, which was so extensive that one commentator claimed that "the ANC acted like it was civil society." Yet, according to an analyst, not all CSOs assumed that the state ought to court them. He argues that "in 1999...civil society realised the problem was not Mbeki himself but civil society. Civil society needed to persuade government that they were on the wrong course."²⁰⁴

Related to the confusion concerning the role of the state in engaging CSOs and ensuring their participation, there was a perception that they should at least continue to be represented in decision-making, and have their voices heard. Not only did CSOs object to some of the policies and positions adopted by Mbeki and his administration, they resented the process by and from which they had been excluded. The RDP document is very clear on the issue of continuous representation of civil society. It states:

Democracy for ordinary citizens must not end with formal rights and periodic one-person, one-vote elections. Without undermining the authority and responsibilities of elected representative bodies ... the democratic order we envisage must foster a wide range of institutions or participatory democracy in partnership with civil society on the basis of informed and empowered citizens ... and facilitate direct democracy.²⁰⁵

It further mentions that a wide range of organisations "are a major asset in the effort to democratise and develop our society" and that "attention must also be given to extending social-movement and CVO structures into areas and sectors where they are weak or non-existent." There is specific mention of NGOs "engaged in service delivery, mobilisation, advocacy, planning, lobbying, and financing," which "have an important

²⁰³ Interview with Donovan Williams, former SANCO NEC member. Pretoria, 1 September 2009.

²⁰⁴ Interview with Steven Friedman, Director, Centre for the Study of Democracy, Johannesburg, 27 July 2009.

²⁰⁵ African National Congress. 1994. The Reconstruction and Development Programme : A Policy Framework. Johannesburg: Umanyano Publications, Section 5.2.6.

future role in the democratisation of our society.”²⁰⁶ In the spirit of the RDP, CSOs continued to see representation as transformation, contrary to Mbeki and his administration, who seemed to believe that the realisation of democracy lay in delivery. The commentator who observed civil society’s stress on representation also questions its logic. “Why should transformation be representation? Representation doesn’t deliver.” In keeping with Tshwete’s and Asmal’s logic in the previous section, he argues that it is not necessary to have endless consultations through representative forums, as the government knows community needs. “This does not mean that there should be no representation, but a balance between representation and delivery. Leaders who feel they are not consulted will obstruct delivery. Communities don’t want to be pushed into a pre-determined end. Processes are very important.”²⁰⁷

Instead of being represented, a civil society activist claims that “many civil society organisations were relegated to dustbins, were sidelined, the churches and in particular; SANGOCO in particular.” Alluding to the formation of social movements, he explains that CSOs “needed a strong organised force, a mass organised force. COSATU was the only one to provide that. The churches can talk about membership of a million but they were not an organised force in relation to rejecting policy.”²⁰⁸ A former ANC underground cadre and leadership figure, now an academic, expresses a similar impression, believing that “civil society under Mbeki was weak” and should shoulder some of the responsibility: “I think the UDF did a self-destruct, when some of the affiliates should have continued as sectoral organisations.”²⁰⁹

Despite the overwhelming perception that civil society space was ‘closing down’, there are alternative viewpoints predicated on specific experiences. For example, a director of an NGO argues that although “from 2004 there was lots of debate in civil society about the closing down of space ... this was psychological closing down of space. There was no active closing down. There was no pressure to publish in a certain way, for example ... Objectively the amount of space for civil society to operate was great. Subjectively people have felt differently.” He continues: “Certain parts of government actually relied on us for information; we were successful in influencing the ANC with the floor crossing debate. We got them to accept the evidence that no-one likes floor crossing.”²¹⁰ Anthony Butler largely

²⁰⁶ Ibid. Sec 5.2.7-5.2.8.

²⁰⁷ Interview with Donovan Williams.

²⁰⁸ Interview with Saliem Patel, Director, Labour Research Services, Cape Town, 05 June 2009.

²⁰⁹ Electronic communication from Raymond Suttner.

²¹⁰ Interview with a director of an NGO, Johannesburg, 10 June 2009.

confirms the view that CSOs failed to exploit available space, “Most civil society groups (other than COSATU) did not take up the space that was there during the Mbeki years.”²¹¹

Another NGO’s experience was mixed, but it nevertheless collaborated with the Mbeki administration when it was prepared to employ the skills of NGOs. The Institute for Justice and Reconciliation “did a lot of work with government between 2000 and 2006”. This may be because, according to a civil society actor in the transitional justice sector, it was “supportive of Mbeki’s approach. We worked with the National Department of Education, and we produced the first set of post-apartheid history books.” A less positive experience was that of public interest litigation in 2007. “There was a process to grant pardon to apartheid criminals. We called for transparency and consultation with the victims in the process. The MPs brushed us off. They didn’t listen. The plan was to grant amnesty to a number of people quickly. Public interest groups, such as the IJR, and CSVR, won an interdict against the government.”²¹²

What these anecdotes suggest is that CSOs’ perceptions of and experiences with relationships with the Mbeki administration, were varied. It is not possible to extrapolate from these examples a homogenous approach of civil society to the ANC government. However, it does appear that white NGOs had a more ‘civil’ relationship with the Mbeki administration than broad-based social movements. However, as we shall see, they too employed different strategies and tactics when dealing with the Mbeki ANC government.

Finally, it should be noted that “civil society organizations did not necessarily always target government or the ANC. For example, the SACC lead a campaign on social justice and holding business accountable.”²¹³

4.2.2 Civil society responses

How did CSOs respond to the perceptions and actions of the Mbeki administration and developments concerning either the formulation or impact of the implementation or non-implementation, of major policies? Once again, reflecting the plurality of CSOs, there was a plurality of responses. As noted by a former ANC underground cadre and leadership figure, now an academic: “Irrespective of the propensities of the Mbeki government the approach of the civil society/sectoral organisations and other non-ANC controlled organisations varied.”²¹⁴

²¹¹ Interview with Anthony Butler, Politics Department, University of Cape Town, Cape Town, 03 June 2009.

²¹² Interview with a civil society actor in the transitional justice sector.

²¹³ Electronic communication with Raymond Suttner.

²¹⁴ *Ibid.*

First, a plethora of new social movements was born; in fact they were the defining feature of civil society during this period. It is significant that two leaders of social movements, the TAC and SECC respectively, credit Mbeki and the positions and policies which he adopted, with their genesis. Heywood remarks that “Mbeki’s actions subverted his own intentions. His ‘denialism’ on crucial issues such as AIDS ... inadvertently consolidated civil society. The post-apartheid revival of civil society became directly tied to the need to resist Mbeki’s denial of major social challenges.”²¹⁵ Trevor Ngwane, leader of the SEEC, further makes the point that “there is a sense in which Mbeki created civil society opposition. For example, TAC initially worked with the ANC government, challenging the pharmaceutical companies. TAC didn’t expect opposition from the ANC. This opposition radicalised the TAC.” He continues to explain that “Mbeki’s approach radicalised some organisations and gave a platform to people like me. Because of Mbeki’s actions I focused on trying to replace the ANC with a workers’ party.”²¹⁶ It is not coincidental that Ngwane raises the issue of “radicalisation”. According to Ballard, Habib and Valodia, “For the most part, [social movements] have been established with the explicit political aim of organising and mobilising the poor and marginalised to contest and/or engage the state and other social actors around the implementation of neo-liberal social policies. As a result, they have implicitly launched a fundamental challenge to the hegemonic political and socio-economic discourse that defines the prevailing status quo.”²¹⁷

As we have noted, civil society did not merely have to respond to a recalcitrant and intransigent Mbeki administration. It also responded to policies which were increasing poverty and death, and on which the government was immovable, even in the face of criticism from its staunchest allies, COSATU and the SACP. As Ashwin Desai notes:

The rise of these movements based in particular communities and evincing particular, mainly defensive demands, was not merely a natural result of poverty or marginality but a direct response to state policy. The state’s inability or unwillingness to be a provider of public services and the guarantor of the conditions of collective consumption has been a spark for a plethora of community movements [and] the general nature of the neo-liberal emergency concentrates and aims these demands towards the state...*activity has been motivated by social actors spawned by the new conditions of accumulation that lie outside of the ambit of the trade union movement and its style of organising. What distinguishes these community movements from political parties, pressure groups and NGOs is mass mobilisation s the prime source of social sanction.*²¹⁸ [Author’s emphasis]

²¹⁵ Interview with Mark Heywood, Director, AIDS Law Project, Johannesburg, 21 July 2009.

²¹⁶ Interview with Trevor Ngwane.

²¹⁷ Ballard R, Habib A. and Valodia I. (2006) Social movements in South Africa: Creating Crisis or Promoting Stability? In (ed) The development decade? Economic and social change in South Africa, 1994-2001. Pretoria: HSRC Press, p 403.

²¹⁸ Ashwin Desai, cited in McKinely, D. 2006. Democracy and social movements in South Africa in Ballard, R., Habib, A. and Valoodia, I (eds) The development decade? Economic and social change in South Africa, 1994-2004. Cape Town: HSRC Press, p 418.

Roughly coinciding with the advent of Mbeki's first presidential term, the consequences of the implementation of policies such as GEAR, although introduced under Mandela, became increasingly acute. As Trevor Ngwane explains, "Under Mandela there was not much opposition from civil society ... Policies like GEAR take time to bite. When we started organising against privatisation it was just a policy. When it became a reality, like around electricity, it was easier to mobilise."²¹⁹ This suggests that it is easier for civil society actors to mobilise around immediate concrete issues and severe material effects than around ideas. Not only was the hegemonising influence of the ANC largely uncontested during the Mandela era, but policy proposals were largely in their formulation phase, or the embryonic periods of implementation.

However, once these policies began to 'bite', the Anti-Privatisation Forum and Soweto Electricity Crisis committee emerged, and responded to the effects that privatisation was having on the provision of basic services such as water and electricity to poor and marginalised communities, and the government's repressive activities of cut-offs and evictions when people could not afford to pay, as a result of the consequences of cost recovery. The LPM was a response to the slow pace of land reform. The formation of the TAC was initially a response to the exorbitant and unaffordable costs of pharmaceuticals for HIV/AIDS treatment, and collaborated with the ANC in contesting prices. It evolved into a movement which challenged Mbeki's personal position of AIDS denialism and failure of his government to provide health services in the form of ARVs.

We must be clear that dominant social movements were not the exclusive players in civil society. Intra-civil society conflict emerged, with not all CSOs adopting an adversarial approach towards government. A defining feature of this period was the pronounced rift which emerged between organisations which were supportive, even if critical, of the Mbeki administration's policies and those which opposed them. The watershed moment of the World Summit on Sustainable Development (WSSD) not only exploded the tension between civil society and the ANC, but exposed the deep rift between these two 'camps'. Those who wanted fundamental change gathered under the rubric of the Social Movements Indaba (SMI); those who continued to support government policies grouped under the Civil Society (People's) Forum. Both marched from Alex to Sandton on the WSSD. The lines were drawn, both between civil society and its major factions: the SMI and allied formations such as the LPM attracted 25 000 marchers, and the Forum less than 5 000.²²⁰ Furthermore, there were rifts within organisations. For example, SANGOCO members were so divided on which march to support that the organisation did not march at all.²²¹

²¹⁹ Interview with Trevor Ngwane.

²²⁰ McKinley, D. p 418.

²²¹ Interview with Abie Dithlake.

Second, civil society actors adopted a multiplicity of diverse strategies, often simultaneously, to make their voices heard. There are four broad tactics which they used. The first approach was innovative and could not, by definition, have been used before the advent of democracy. It exploited the formalised spaces which had been opened up post-1994. They invoked the Constitution and the Bill of Rights, which guarantees and protects socio-economic entitlements, and used the Constitutional Court to achieve their representation. The second approach, which was also not available pre-1994, was the use of other newly established avenues of engagement with the state, such as local wards, parliamentary portfolio committees, and NEDLAC. In addition, CSOs were represented at local level through state initiatives in the formulation of policy through processes such as the Integrated Development Plans (IDPs). The third was the tried-and-tested mass mobilisation and, for COSATU, strike action. The fourth was those strategies which operated completely outside state structures and conventional means of mass protest, such as the SECC's disconnection of prepaid electricity metres. In addition to these tactics, social movements were membership-based, and thus able to mobilise a large contingency of people for protest action. An important feature of some of these movements, such as the TAC and SECC, is that they had high-profile, dynamic, charismatic and politically well-connected leaders, such as Zackie Achmat, who had considerable political weight. For example, when Achmat, who is HIV positive, refused to take anti-retrovirals in protest against their unaffordability for the majority of people living with AIDS, Nelson Mandela personally visited him and told him he was more valuable alive than dead, and persuaded him to resume his medication regime. Mandela was also outspoken on the AIDS issue, and publicly criticised Mbeki for his denialism.

Strategies were determined by a number of factors, including the nature and extent of support for an issue, the human and financial capacity available to the organisation, and the relationship which it wished to have with the ANC. For example, "Some fear cooption by the government and, therefore, wish to avoid collaboration of any sort, while others favour reformism or constructive engagement. While some movements such as the National Land Committee limit themselves to mass mobilisation, others chose to make extensive use of a wider range of democratic spaces afforded by South Africa's post-apartheid political system."²²²

The TAC is the most successful social movement in terms of extracting large gains from both the pharmaceutical companies and the government. Its early successes in 2000 were achieved in the courts in collaboration with the government in confronting global copyright laws around the use of generic drugs. Following the emergence of Mbeki's AIDS denialism, the TAC's battles with the government over the provision of ARVs culminated in April 2002, when the TAC took the Minister of Health to the Constitutional court (*Treatment Action*

²²² Ballard, Habib and Valodia, p 408.

Campaign and Others v. Minister of Health and Others 2002). Judge Botha ruled that the government had to provide ART to all HIV-positive pregnant women in state hospitals in order to prevent transmission of the virus from mother to child.²²³ The TAC also resorted to a public campaign of defiance to force implementation.²²⁴

Another national body which TAC used was NEDLAC. With COSATU, it presented a National Treatment and prevention Plan, to be negotiated with business, labour and government. In September 2002, an HIV/AIDS task team had been established, and by November a “framework agreement” was established.²²⁵

The TAC formed partnerships with national and international organisations, and, “at its peak, this mobilisation actively involved important elements of the old guard of the liberation struggle (COSATU and the SACC), some of the new organisations that have achieved a voice after 1994 (SANGOCO, the South Africa Medical Association), and over 20 000 TAC community volunteers, predominantly poor young women and men who had not been involved in the struggle before 1994, but who eagerly embraced its traditions and methods. This not only eventually led to the defeat of AIDS denialism but it also led to the delivery of significant investment in health and AIDS; by early 2009 an estimated 700 000 people were receiving ARV treatment.²²⁶ The TAC also established links with international CSOs, such as the Health Gap Coalition, Oxfam, and Doctors without Borders, which lobbied and demonstrated around the pharmaceutical monopolies and pricing mechanisms in Europe and the US.²²⁷

Another example of successful invocation of the Constitution and use of the courts, is the celebrated Grootboom Case, in which the Human Rights Commission and the University of the Western Cape’s Community Law centre, acting on behalf of Grootboom and an informal settlement, won the right to adequate housing and services.

There are other social movements which also used multiple institutions and methods to engage with the state. For example, the Anti Privatisation Forum “engaged with the ANC and government at every level: wards, councils, informal gatherings, parliament, national departments such as basic services, housing, and the Department of Provincial and Local Government. The first strategy is to adopt a formal approach, through formal structures;

²²³ Quinlan, T. and Willan, S. 2005. HIV/AIDS: finding ways to contain the pandemic. In Daniel, J., Southall, R. and Lutchman, J.(eds). *State of the Nation: South Africa 2004-2005*. Cape Town: HSRC Press, p 229.

²²⁴ Mare, G. 2003. The state of the state: Contestation and race re-assertion in a neoliberal terrain. In Daniel, J., Habib A. and Southall, R. (eds). *State of the Nation: South Africa 2003-2004*. Cape Town HSRC Press, p 41.

²²⁵ Mbali, p 326.

²²⁶ Interview with Mark Heywood.

²²⁷ Mbali, p 323.

then, when they don't listen, to use more informal methods. Formal approaches usually don't work; either government doesn't listen, or they have no intention of acting on undertakings."²²⁸ Both Earthlife Africa and the TAC are also involved in research and education. As mentioned previously, for civil society actors to make meaningful policy interventions, it is vital for them to be well informed.

How successful were social movements in attaining their objectives, and what impact did their strategies have on policy in general? This section of the report discusses four types of achievements of social movements. First, there was the general rise of substantive uncertainty, as a result of which, some theorists argue, there were noticeable shifts in state policy. Second, a body of jurisprudence on socio-economic rights began to develop. Third, there were individual success stories from particular actors using a range of means or engagement.

There are two types of political uncertainty: institutional uncertainty is about the rules of the game and raises the vulnerability of the state to anti-democratic forces. Substantive uncertainty is about the state of play. It concerns the relationships of power between political players in a democratic system, and whether or not the ruling party will be allowed to remain in office, or be unseated by other organised interests. Although within democratic systems political parties are the primary institutions that aggregate interests, and CSOs represent a disaggregation and plurality of interests and do not contest political power, they can, nevertheless, hold the government to account through legal and extra-legal means.

According to civil society theorist, Adam Habib, the success of social movements can be seen by an overall shift in the project of the state, from neo-liberalism to developmentalism. He explains that this occurred for two reasons:

Policy is not a product of technocrats or leaders; it is a product of power and how that power is constrained. And that is one of the dilemmas in the South African contest in 1994/95 where power was largely in favour of business because business had the leverage of investment. The state was bankrupt and the only thing that black people had was the vote but that wasn't really leverage because there was no one else you could vote for except the ANC. The political elite in the ANC could afford to be responsive to business because they had little control over business. But citizens have two types of leverage; they have the vote in a highly competitive political system or they have contentious politics. What happened between 1998 and 2001 is that you started having contentious politics coming to the fore; that began to ruffle the political elite and this introduced a level of substantive uncertainty. And when political elites became substantively uncertain they become eligible to look towards developmental agendas By 2006/7 we had 13 million people on social support grants and the education budgets started increasing.²²⁹

²²⁸ Interview with Dale McKinley.

²²⁹ Interview with Adam Habib.

Similarly, another respondent describes the People's Budget Coalition, which began in 1999. The major organisations involved were SANGOCO, COSATU and the churches. It campaigned for greater social development through state intervention. It proposed a national housing insurance scheme which the government debated as policy. It also campaigned for a basic income grant. Although the basic income grant has not been achieved, "we got significant compromises from government" for example an increase in the Child Support Grant.²³⁰ The Grant, intended to reach children living in poor households, was introduced in April 1998 as a cash benefit of R100 payable to the primary caregiver of children up to their seventh birthday. By February 2003 it was awarded to 1.9 million caregivers on behalf of nearly 3 million children. In March 2005 it was increased to R180, and the age of eligibility was 14 years.²³¹

Second, the invocation of the Constitution and the Bill of Rights, and the pressure brought to bear by the TAC and others on government through the Constitution, activated and animated the Bill of Rights. According to some commentators, the TAC achieved a "moral hegemony"²³² through its objectives and strategies. As two commentators note:

The Bill of Rights in the Constitution spells out a range of entitlements in terms of access to housing, water, work, freedom of movement, for workers to strike, and so on. These rights have, in turn, been strengthened by crucial Constitutional Court rulings such as the Grootboom decision (2002) which has been the 'first building block in creating a jurisprudence of socio-economic rights'. Although these entitlements have to be fought to be realized by individuals, landless people and civic groups, they do exist. In appeals to court they are being reinforced through legal action even if the state itself often tries at times to avoid its liabilities. A culture is being created of social economic rights and a Constitutional Court judge can complain that aggrieved people in terms of these established rights are making insufficient use of the Constitutional Courts. The course of justice is long and tedious, and the judgements at time imprecise...but there is a culture of human rights and entitlements which is an important advance socially, and a check on government.²³³

Third, there are the gains made by social movements in terms of targeting specific issues, such as public-private partnerships and the related costs of service delivery. Dale McKinley explained that the French water multinational, Suez Lyonnaise, was given a five-year management contract to run Jo'burg Water in 2001.

When the time for the renewal of the contract came in 2006 (and the renewal would have been for 25 years), the mobilisation, pressure etc. that we exerted (alongside unions such as SAMWU and some

²³⁰ Interview with Saliem Patel.

²³¹ Lund F. (2006) Gender and Social Security in South Africa. In Padayachee, V. (ed) *The development decade? Economic and social change in South Africa, 1994-2004*. Cape Town: HSRC Press pp 162-164.

²³² A term used by Steven Friedman. Interview with Mark Heywood.

²³³ Hemson, D. and Owusa-Ampomah, K. (2005) A better life for all? Service delivery and poverty alleviation In Daniel, J., Southall, R. and Lutchnam, J. (eds) *State of the Nation: South Africa 2004-2005*. Cape Town: HSRC Press p 513.

progressive NGOs like CALS) ensured that the contract was not renewed. In relation to other PPPs, the City of Joburg had (between the late 1990s and early 2000s) entered into a range of PPPs in respect of certain public services and delivery (e.g. rubbish collection, meter reading, IGOLI Gas et al). Once the real battle against privatisation (obviously inclusive of PPPs) was underway by 2002/2003 in earnest, PPPs came under sustained attack. Since then, the City of Joburg has not entered into any major PPPs in respect of key public services/deliverables.²³⁴

Further successes were achieved in relation to evictions and electricity cut-offs.

The struggle against evictions on the East Rand began around 1998/99 and by 2002 our struggles as the APF (in conjunction with existing community organisations in the East Rand) had succeeded in halting almost all evictions. Since that time, while there have been sporadic evictions, the kind of mass evictions and contempt for people's housing rights have not occurred. More or less the same time-line applies to Soweto in respect of electricity cut-offs - here, the battles raged from 2000-2002. ESKOM agreed to write off all electricity arrears in 2002 and the quantity and spread of cut-offs tailed off dramatically. Where such cut-offs did continue (and have continued over the past several years) APF affiliates have spearheaded 'Operation Khanyisa' (Operation 'Turn Back On') in which qualified electricians have assisted people to reconnect their supplies. This tactic of reappropriation has spread widely throughout South Africa and to a large extent, has rendered the practice of electricity cut-offs fairly irrelevant. Lastly, in the Vaal, the halting of evictions as well as electricity cut-offs has been an ongoing battle since 2005-2006. In those communities in which the APF has strong affiliates these practices have virtually ceased (alongside winning a concession from the municipality not to install pre-paid water meters). This has been partially due to the local battles/re-connections and partially due to overall pressure/battles in communities across Gauteng.²³⁵

Earthlife Africa also achieved successes with mass mobilisation. One of the most dramatic was the prevention of the siting of a hazardous waste facility at Chlookop. Members of the AWB and the ANC protested on the same picket. "Poor whites and poor blacks were united by this issue. There was a common cause."²³⁶ A similar initiative took place against Thor Chemicals Mercury Plant in KwaZulu-Natal. Residents from Cato Ridge and the Environmental Justice Network Forum, and other groups, all joined together in protest against specific cases of environmental injustice.²³⁷ This suggests that social movements united often opposing groups.

As we have seen, some commentators argue that social movements affected a shift in government policy, and created an awareness of the Constitution's Bill of Rights as a living document, and the courts as viable avenues through which to pursue their goals. They also may have precipitated a thawing in the relationship between civil society and government

²³⁴ Email communication with Dale McKinley, Founder and Executive Member of the Anti-Privatisation Forum. 22 September 2009.

²³⁵ Email communication with Dale McKinley.

²³⁶ Interview with Richard Worthington.

²³⁷ Ibid.

in general, and the prospect of a more collaborative approach to the challenges of policy formulation and implementation. However, according to analysts, this possibility was interrupted by the succession debate.

5. THE ANC AND CIVIL SOCIETY POST-POLOKWANE

5.1 Pre-Polokwane and Polokwane

In order to contextualise the Zuma ANC and understand its anticipated relations with civil society organisations, it is necessary to briefly examine the means of his trajectory to power and the actors who helped him to get there. Thereafter, we discuss the impact of Polokwane.

5.1.1 Events leading up to the ANC's Elective National Conference

Jacob Zuma had not had a particularly high profile as deputy president of the ANC nor of the country. He became increasingly prominent in terms of his alleged involvement in the 'arms deal', which can be traced back to 1996, and in which he was implicated through his friend and financial advisor, Schabir Shaik. A series of events then kept him in the limelight, either directly or by association. Shaik was arrested in November 2001, and charged with corruption.²³⁸ In August 2003, National Director of Public Prosecutions, Bulelani Ngcuka, advised a media conference that, although investigations into Zuma's involvement in the arms deal had produced a prima facie case of corruption, the NPA had decided not to charge him, as they considered the case 'unwinnable' in court.²³⁹ In June 2005, Schabir Shaik was found guilty on two charges of corruption and one of fraud. In 2006 he was sentenced to 15 years in prison, and a fine of R3.9 million.²⁴⁰ Judge Hilary Squires characterised the relationship between Zuma and Shaik as a "mutually beneficial symbiosis" and found that payment to Zuma by Shaik "would only have generated a sense of obligation in the recipient".²⁴¹ On 14 June 2005, Mbeki announced that, without presuming any guilt, Zuma would be released from his duties as deputy president of South Africa. He continued to serve as deputy president of the ANC. The NPA announced that it was formally charging Zuma with corruption.²⁴² Adding to Zuma's woes, he stood trial for rape in February 2006, and was found not guilty in May 2006.²⁴³ The case was complicated by the political context of Zuma's implication in Shaik's fraud and corruption trial, the state's intention to charge

²³⁸ Southall (2007) p 15.

²³⁹ Gumede (2007) p 385.

²⁴⁰ Gumede (2007) p 173; Southall (2007) p 16.

²⁴¹ Cited in Gumede p 398.

²⁴² Southall (2007) p 16.

²⁴³ Gumede (2007) p 398.

Zuma himself, his firing as deputy president and the ensuing succession battle, and claims that he was a victim of a political conspiracy. The rape charge added fuel to this fire.²⁴⁴

The ANC's June 2005 National General Council (NGC) was the harbinger of events at Polokwane, which saw the overwhelming rebellion against, and unseating of, Mbeki as president of the ANC, and his replacement by Zuma. Rumbblings of a popular backlash against Mbeki were evident, following his firing of Jacob Zuma for alleged corruption. After being dismissed as deputy president of the country, Zuma had withdrawn from party activities, pending the outcome of corruption charges against him. The NGC reversed the National Working Committee's decision to accept his withdrawal, and reinstated him to participate in ANC activities. It must be noted that the NWC was largely constituted of individuals in Mbeki's cabinet. Significantly, the NGC comprises delegates from ANC branches. Thus the NGC, a widely representative body, rose against the ANC's top structure. This illustrates the rifts within the ANC between an elitist, detached leadership and a disaffected grassroots membership. Mbeki could have read this as a warning of what was to unfold at Polokwane. It is through the branches that leadership is elected at national conferences. This is confirmed by a respondent who noted that

Polokwane started in 2005 when the ANC members took control of the ANC at the National General Council. This was significant - besides the antics, the fact of the matter is that the ANC saw the significant change in a way that was very much in line with COSATU. Remember the ANC was suspicious of COSATU. I think we saw the re-emergence of democratic culture in the ANC. The branches took control of the ANC policies. We also saw this at the ANC National Policy Conference immediately after that.²⁴⁵

The backlash against Mbeki was accompanied by increasing support for Zuma, who successfully exploited it to harvest sympathy from rank-and-file ANC members. He mobilised sympathy by positing a conspiracy theory, that Mbeki saw him as a competitor who needed to be eliminated.²⁴⁶ He was a victim of Mbeki's malice. He nurtured the perception that he was being persecuted for attempting to save the ANC's democratic and consensual traditions, and re-direct the ANC to re-emphasising democracy, accountability, and responsiveness to the needs of the poor. As a result, all policies proposed by Mbeki were rejected by delegates. There was also a call for the curtailment of the power of the presidency. Only Gauteng and North West supported Mbeki.²⁴⁷

²⁴⁴ For an analysis of the rape trial, see Vetten, L (2007). *Violence against women in South Africa. In State of the Nation South Africa 2007*, Buhlungu, S., Daniel, J., Southall, R. and Lutchman, J. (eds). Cape Town: HSRC Press, pp 438-441.

²⁴⁵ Interview with Saliem Patel; interview with Jeremy Cronin.

²⁴⁶ Gumede (2007) p 73.

²⁴⁷ Ibid, p 183.

5.1.2 *Effect on alliance members*

The effect of the succession debate was felt primarily within the ANC, the SACP and COSATU. By 2007, COSATU's public support for Zuma had shattered the organisation, reconfiguring its internal politics.

The SACP was also split. Jeremy Cronin and Ronnie Kasrils opposed Zuma, while others, such as Blade Nzimande, supported him. Having no viable candidate of its own, it hoped to lock him into a range of agreements, in exchange for support. According to Gumede, the SACP misjudged Zuma. He argued that first, he was opportunistically appealing to socialist interests, having never adopted a leftist position before. Furthermore, "he is striking so many deals with so many disparate groups that he has probably tied himself into a policy knot."²⁴⁸

5.2 The Polokwane Conference

The 52nd ANC national congress at Polokwane is the fulcrum upon which this entire project turns. It intends to investigate a re-positioning of CSOs in relation to the ANC, post-Polokwane. What, then, is the significance of this event?

First, Mbeki stood for a third term as president of the ANC. Were it not for this, the battle for the presidency of the ANC would not have turned into a full-scale, American-type presidential election. These dynamics were anathema to the history of succession within the ANC, as discussed previously. In terms of past successions, Zuma should have seamlessly replaced Mbeki as president. However, at the ANC's 2007 policy conference, Mbeki supporters defended the possibility of him standing for a third term. A compromise position was reached, with the conference resolving that while "there was general agreement that the ANC president should preferably be the ANC candidate for the president of the Republic," this should not be "made a principle."²⁴⁹ Following the conference, he immediately announced his candidacy.

Second, Jacob Zuma was voted in as president of the ANC, trouncing Mbeki's candidacy for a third term. The South African Constitution proscribed Mbeki from standing again as president of the country. But if he served again as the president of the ANC, there would be 'two centres of power': one in government, run by the country's president, and one at Luthuli House, run by the ANC president. It was feared that the latter would dictate to the former, who would then be a rubber-stamp president. This meant that, if Mbeki won the ANC presidency, and Zuma were to become president of the country, Mbeki would retain his hold over Zuma.

²⁴⁸ Ibid, 347. See also Gordin (2008) pp 262-263.

²⁴⁹ Cited in Gevisser (2007) pp 791-792.

However, Zuma's win was decisive: 20 329 votes, to Mbeki's 10 505.²⁵⁰ Zuma allies were also given a resounding vote of confidence, heralding a fundamental changing of the guard.

Breaking with ANC tradition, Zuma launched and ran a high-profile public presidential campaign, before the start of current electioneering for the 2009 April elections, in the run-up to the Polokwane conference. If asked, he would always aver that he had no ambitions to be president, was an ANC cadre, and would welcome any deployment that the party saw fit. But the truth is that he did not conceal his presidential ambitions. Besides the support of sections of the ANC, COSATU, the SACP and the apparently whole-hearted support of the ANC Youth League (ANCYL). Zuma also corralled support from a range of other constituencies. Mobilising symbolic ethnic capital, he and his supporters donned t-shirts bearing his face and announcing "100% Zulu boy", and he frequently appeared at rallies and other events in traditional Zulu attire. He also used the symbolic capital of the struggle, by making *umshini wam* his theme song. His traditional homestead is in Nkandla, in KwaZulu-Natal, and he himself is Zulu. He is known for bringing reluctant, anti-ANC IFP members and their leader, into a consensual fold, and is able to mobilise the ethnic support of Zulus. He has also appealed to the ANCYL, whose outspoken leader, Julius Malema, has threatened to take up arms for him, thus gaining the support of aspirant king makers.

He rallied behind him disaffected black youth and traditionalists. He made overtures to the white Afrikaans-speaking community, and his staunch supporter, Julius Malema, appeared in the Afrikaner homeland of Orania. He met a number of times with Solidarity, a white trade union, and, although he gave them a sympathetic hearing, he confirmed that affirmative action and black economic empowerment are here to stay. He launched a charm offensive against business, both black and white, and travelled overseas, assuring international investors that the ANC does not intend to change broad macro-economic policy.

He had the support of black business magnates such as Tokyo Sexwale, Patrice Motsepe, and the endorsement and backing of Mbeki's old foes, Cyril Ramaphosa and Matthews Phosa. Although numerically this is a small constituency, it represents enormous influence and patronage. Nelson Mandela too appeared, somewhat controversially, with Zuma at an ANC rally in the Eastern Cape, endorsing the party's election bid and, by implication, a Zuma presidency.

²⁵⁰ www.mg.co.za/article/2007-12-18-zuma-is-new-anc-president

Position	Zuma ally	No. of votes	Mbeki ally	No. of votes
Deputy President	Kgalema	20	Nkosazana	10
	Motlanthe	346	Dlamini- Zuma	444
National Chairperson	Baleka	20	Joel	10
	Mbetse	326	Netshitenzhe	475
Secretary General	Gwede	20	Phumzile	10
	Mantashe	378	Mlambo- Ngcuka	374
Deputy Secretary General	Thandi	20	Thoko Didiza	10
	Modise	304		455

Top four ANC elected office-bearers, Polokwane.²⁵¹

The third important factor is not only that Zuma was elected as Mbeki's successor, but that he was, distinctly, *an alternative* to Mbeki.²⁵² This is evinced in the following points, and is important to the following discussion on the significance of Polokwane for CSOs and their relationship with the ANC.

Fourth, new people assumed positions, both on the NEC and NWC. SACP members became particularly prominent. This may make the ANC more responsive to CSOs, but also to particular sectors thereof. At the moment, it is difficult to conjecture on this, as the relations within the alliance are so fraught that neither COSATU nor the SACP seem able to engage beyond it.

Fifth, given the above figures (and some of the more colourful anti-Mbeki behaviour of Zuma supporters)²⁵³ the conference was a resolute rejection of Mbeki and that which he represents to many voters: a decomposition of accountability, tolerance of diversity and membership, and general citizen participation in government. Through

²⁵¹ Figures available at www.mg.co.za/article/2007-12-18-zuma-is-new-anc-president

²⁵² Mathekga, R. (2008) The ANC 'leadership crisis' and the age of populism in post-apartheid South Africa. In Pretorius, J. (Ed) African Politics: Beyond the Third Wave of Democratisation. Johannesburg: Juta Academic.

²⁵³ See www.mg.co.za/article/2007-12-17-rebellion-at-polokwane ; www.mg.co.za/article/2007-12-17-zuma-mbeki-camps-rally-in-polokwane

apparent popular renewal, it was also a comment on the increasing alienation of a leadership divorced from the needs and interests of the majority of the people. Related to this, is the creation of uncertainty among leaders within the party, that their office is not guaranteed. The trouncing of Mbeki may suggest to new leadership incumbents that their position is secure only if they continue to listen to those who are responsible for voting them into power. Having noted that their constituents will vote against those who displease them, the newly elected may be forced into responsiveness and accountability. Ironically they may have unwittingly unleashed more democracy than they feel comfortable with

As one respondent observed:

I think the lessons are that the Mbeki regime thought that he'll be powerful forever. Unfortunately it didn't work like that, especially in democracy. Even the General Secretary said that the ANC had gone back to its democratic principles. The ANC branches are the driving force of the ANC . We say we are not happy with the policies, we are not happy with the kind of performance of leadership politically. And that's what happened at Polokwane.²⁵⁴

Furthermore, as we have noted previously in this discussion, the structures and processes of the party may be mirrored in the structures and processes of the government executive. This raises the possibility that this robust display of democracy within the party, may portend a more democratic government and, by extension, society. However, the way in which the dismantling of the Scorpions was managed casts doubt on this hope, as we shall see.

The Conference recognised that unemployment, poverty and inequality are the most urgent challenges faced by the ANC. Thus priority was given to policies addressing unemployment, health, education and rural development, land reform and agrarian change.

The National Planning Commission (NPC) based in the Presidency, was forecast in a resolution “to build the strategic, organisational and technical capacities of government” through “the creation of an institutional centre for government-wide economic planning” and “the integration, harmonisation and alignment of planning and implementation across all three spheres of government.” The monitoring and evaluation competency in the Presidency has been created in tandem with the NPC. The creation of a Women’s Ministry was mooted, and a new Ministry of Women, Children and People with Disability has been created.²⁵⁵ The re-prioritisation of sectoral policies is mirrored in the restructuring of departments. For example, the Department of Education has been split into separate ministries for Basic Education and Higher Education and Training. There is also a new department of Rural Development and Land Affairs, and a new Department of Economic

²⁵⁴ Interview with Saliem Patel.

²⁵⁵ <http://www.anc.org.za/ancdocs/history/conf/conference52/resolutions.html>

Development.²⁵⁶ At the end of the Conference, ANC deputy president Kgalema Motlanthe summed up saying: “There may be shifts in emphasis with policy implementation but the basic policy will remain unchanged.”²⁵⁷ The significance of the Conference also lies in the change of leadership, and possible leadership style.

A significant statement for our purposes is that contained in the Strategy and Tactics document which promotes the building of social cohesion and values of a caring society. This would broadly define the mandate of a new ANC government. NEC member, and primary architect of policy in the Mbeki presidency, Joel Netshitenzhe, suggested that this principle provides an important practical role for civil society, as “[g]overnment can encourage, but all of society would need to be active leaders in the campaign to build a caring society.”²⁵⁸

A highly contentious resolution, which was subsequently implemented in what some believe was a highly undemocratic way, was that of dismantling the Scorpions. Post-Polokwane, there was a loud public outcry against such a move. Petitions were signed, and representations made to Parliament. All these were ignored, on the grounds that the Polokwane Conference was representative of the will of the people. However, this “will” was represented by 4000 delegates of the governing ANC, chosen by branches. This is an example of ‘elite democracy’ which argues that those elected have a mandate to govern. If the citizens do not support decisions made in their name, they can vote them out at the next election. Those who reject this view are dismissed as enemies of democracy. Thus, although some may argue that events at the conference provided a display of robust democracy, especially in the energetic election of a new president, it may also be argued, following Sole (cited previously), that democracy may be compromised when institutions are perceived as a threat to the hegemony of the ANC.

Political parties are the primary agents that aggregate interests in a democracy. Voting for a party is accepting that what one gets is a ‘package deal’. However, when organisations of civil society, and the majority of citizens, loudly disagree with a particular policy, then that policy must be tested in the democratic political realm. In South Africa, it is common practice to call public hearings when a particularly controversial policy is to be translated into legislation. The public are also invited to express their opinions through the Committee System in Parliament. The case of disbanding the Scorpions strongly poses the question of the legitimacy and authenticity of these institutions and processes, if they are to be ignored, or decisions taken before the public have had an opportunity to use formal avenues to express their opinion. By ignoring public response, the ANC is effectively saying that the people are not fit to govern. This then implies that they are not ready for

²⁵⁶ <http://www.cosatu.org.za/show.php?include=docs/reports/2009/index.html&ID=2408&ca...>

²⁵⁷ *Die Burger-Polokwane Digest* 19/12/07 cited in Fikeni (2009) p 21.

²⁵⁸ www.mg.co.za/article/2007-12-20-and-aims-to-build-a-caring-society

democracy, and that in fact, South Africa is not a democracy.²⁵⁹ The ANC leadership would reject this argument, positing that, in the interests of the people, they have rid the country of an undemocratic institution which was abused to persecute enemies of then President Mbeki, largely in the form of President Zuma himself. However, this does not appear to be the opinion of the large number of people who have protested against its disbanding.

It is within this context of Polokwane resolutions and processes that we turn to a discussion of the Zuma ANC and its relations to CSOs, and an exploration of whether or not the leadership and policy changes within the ANC hold positive or negative implications for relations between the two. It is largely anticipated that the Polokwane processes and leadership changes within the ANC leadership portend improved relations with CSOs, in so far as the Zuma ANC is likely to be more open, and thus that processes of engagement will become more collaborative and representative. However, it is not expected that policies will change substantively, although some commentators predict a shift to the right; others a shift to the left. There is a broad consensus that all these factors are strongly related to Zuma's personal history and psychology. Thus the discussion focuses on processes, people, policy and the person, Zuma. Many respondents referred to Zuma as a populist, both positively and negatively. Our discussion will revolve around this notion.

5.2.1 Populism and process

Politically, Mathekgga suggests that populism in South Africa is an expansion of democracy, in response to the perceived shrinkage thereof, under Mbeki's presidency.²⁶⁰ Populism "becomes relevant and attractive whenever a democratic deficit seems to appear."²⁶¹ "Through its mass mobilization, populism resuscitates citizens' involvement. Populism targets the weakness of democracy ... [I]t brings democracy to task".²⁶² In raising the issue of the animation of citizens in the democratic process, Mathekgga alludes to a shift from procedural, representative democracy to greater participatory democracy. One respondent said just that: "Zuma and the ANC now believe in direct, participatory democracy."²⁶³

The characteristics of the Mbeki presidency of both the ANC and the country, which encouraged the rise of populism and a populist leader, are that first, Mbeki's presidency was centrist, elitist, technocratic and largely disengaged from South African society. Second, it was alienated from, and neglected, the branches which represent 'grassroots' support. Third, its economic and ideological focus, which was neo-liberal, contradicted its stated allegiance to a working-class constituency, and pro-poor rhetoric.

²⁵⁹ For a development of this argument, see Friedman, S. www.thoughtleader.co.za/stevenfriedman/2008/02/14/the-people-shall-govern-peris.

²⁶⁰ Mathekgga (2008) p 131.

²⁶¹ *Ibid*, p 133.

²⁶² *Ibid*, p 147.

²⁶³ Interview with Ebrahim Fakir.

Fourth, post-1994 social, economic and political stability (which gradually began to fray, evinced by increasing anti-local government protests, strike action, etc), was founded on an elite pact, forged in 1994, which ignored growing inequality and poverty. All these conditions created the space for a surge of populism and a populist leader.

Although the Mbeki administration may have provided the necessary conditions for the rise of populism, there is no doubt that the new ANC leadership, including Zuma himself, deliberately and strategically exploited such conditions, and embarked on a populist cause to rally support against an Mbeki government. Populist mobilisation was clearly a deliberate and useful strategy that served them well in the context of socio-economic circumstances, including social protests expressed through dissatisfaction at lack of service delivery, and Zuma's own personal problems with the law and judicial system. Had Mbeki and Zuma remained friends, and had Mbeki not had a poor relationship with COSATU and the SACP, it is likely that populism would have remained dormant. Its emergence was an elite-driven process, which has been demobilised now that the new leadership is in power, irrespective of the fact that the plight of the disaffected ordinary masses remains the same as it was prior to the Mbeki faction of the party being overthrown in 2007.²⁶⁴

The characterisation of Zuma as a populist carries both positive and negative connotations. One analysis of events at Polokwane suggests that Zuma was swept into power by a surge of populism, and that "If [he] did not exist, the leftist populist movement in South Africa would have invented him".²⁶⁵ "Mbeki had so many enemies in so many places, it didn't matter how flawed Zuma was, he was better than Mbeki. The means - electing Zuma - justified the end (getting rid of Mbeki)."²⁶⁶ A related analysis is that this was the inevitable consequence of the collapse of a civic nationalism, or post-apartheid elitist 'nationalist consensus'. One author argues that Zuma ... became an accidental hero and the champion of the anti-establishment and anti-Mbeki course,²⁶⁷ suggesting that Zuma's constituency would be broader than that of Mbeki's implicitly narrow support base. Both arguments present populism as a progressive movement.

Many respondents endorsed the view that Zuma's style of engagement with civil society would change. For example, Jeremy Gordin, author of Zuma's autobiography, who spent many hours with him and came to know him well, observes that

... people line up around the hill at Nkandla, coming to speak to him about projects, for example plans for rural sewerage. He is particularly concerned with rural issues.

There will be a 'glasnost' with civil society, an opening up all around. Zuma will take approaches on board, not only from civil society, but from within the ANC NEC as well. Zuma tends to agree with

²⁶⁴ We are grateful to Thabo Rapoo for these insightful comments.

²⁶⁵ Mathekga, (2008) p 138.

²⁶⁶ Interview with Xolela Mangcu.

²⁶⁷ Fikeni, S. (2009) The Polokwane moment and South Africa's democracy at the crossroads. In *State of the Nation 2009*. Kagwanja, P et al (eds). Pretoria : HSRC Press, p 8.

everybody. The chat under a tree in Nkandla is his *modus operandi*. There will be more consultation with civil society.”²⁶⁸

Another respondent enthused that “with Zuma there will be more willingness to listen; there will be more meetings with civil society. NEDLAC will be revived. More movements may want to engage more with government because there is more of a readiness to listen. The door is more open.”²⁶⁹ Many interviewees shared these sentiments.²⁷⁰ Illustrating an example of a shift in government from “top-down” to “bottom-up” approaches to government, Cronin uses the example of the taxi industry.²⁷¹ Setting the context, he explains that “64 per cent of people using public transport use taxis. There are 300 000 jobs involved, with an annual R20-25 billion turnover. [Zuma] instructed the government to continue with negotiations with the taxi industry.” In response to whether there is now more space for negotiations than there would have been under Mbeki, Cronin observes that the style of negotiation has changed and that previously

... it was done in a very top down way. For example, with the taxi recapitalisation process, the attitude was ‘we are national government - we will deliver - we will explain to the taxi sector. That didn’t work. The taxi industry is too diverse and unstructured. Now we are talking to communities about the BRT. We have also asked the ANC and SACP to call people in to explain what the BRT is, not to rubberstamp it. I can’t do my job unless I am backed by community support. Otherwise I just get blocked by powerful interest groups.’²⁷²

5.2.2 *The Zuma-ANC and civil society relations*

Fikeni argues that the apparent political and economic stability which characterised the Mandela and Mbeki eras, was the function of an exclusionary elite consensus, or pact, which would inevitably fracture. This pact was between largely a white economic elite, and a black political elite, (although obviously the white political elite also played a role), as we shall see in a subsequent section of the report on business. The disintegration of this pact is a result not only of the centrist and elite style of the Mbeki presidency, but of pervasive and increasing inequality and poverty within society. Those whose voice is not heard, or have no influence, could not be expected to quietly consent indefinitely. Furthermore, there are examples of decisions being made on behalf, and in the name of, those who were not consulted or included in decision-making processes, resulting in inappropriate and

²⁶⁸ Interview with Jeremy Gordin.

²⁶⁹ Interview with Lenny Gentle.

²⁷⁰ Interview with Glenn Hollands; interview with Anthony Butler; interview with a director of an NGO; interview with Eric Harper; interview with a civil society practitioner.

²⁷¹ Mini-bus taxi owners and drivers threatened to, and eventually did, go on strike against the Bus Rapid Transport System which the government introduced, as they believed that this would render them jobless.

²⁷² Interview with Jeremy Cronin.

unimplementable policies.²⁷³ This is not only unhealthy for democracy, but wasteful of human, financial and other resources. Thus, as one civil society activist argues, Zuma's election suggests a rebellion against these dynamics, in that "the ANC has become populist, appealing to groups which are not traditionally accommodated in engagement with decision-making, such as the homeless, marginalised and unemployed. Populism has a cross-class appeal to ordinary people's interests. Zuma has opened up space and now listens to everyone. So this is a new start for civil society, which does not begin its relationship with the new government in opposition to it."²⁷⁴

Economically, after the post-1994 elite pact, the most successful economic transformation achieved by the ANC-led government has been the development of a black middle class, or the deracialisation of capital. This further exposes the contradiction between the ANC's claim that it represents the poor, when its ideological position is clearly one which supports capitalism, and partially explains the alienation of sections of SACP and COSATU membership from the Mbeki government. This pact has disintegrated, as a number of respondents observe: "The fundamental difference between Mbeki and Zuma is around whom should lead transformation? Mbeki thought it was the middle class elite and created an African bourgeoisie. Zuma believes it is the working class."²⁷⁵ Another interviewee agrees, noting that "the ANC's approach to civil society has changed since Mbeki. The ANC are now pro-poor. Mbeki was seen as an elitist, the government of BEE types. The Zuma government is concerned about issues facing the poor. The Zuma ANC is also visible. For example, Sexwale went to stay in a township overnight (Tony Leon called this the Slumdog Billionaire).²⁷⁶ A third respondent notes "there is a lot of difference between Mbeki and Zuma. Mbeki communicated with those who had levers of power. Zuma communicated directly with the people. He goes to their venues, holds rallies, and so on. This was necessary when he was fighting for his political life, but it has also become a part of his hallmark."²⁷⁷ Referring to Zuma's success in averting a taxi strike on the eve of the April elections, Jeremy Cronin, Deputy Minister of Transport, argues that taxi drivers "see themselves as victims in the same way Zuma is. Both are on the wrong side of the law, and working class people. There is a big identification with Zuma. Zuma is great with people."²⁷⁸

Cronin is not the only respondent who mentions Zuma's 'victimhood', working-class origins, and the ability of the poor to identify with him. Russell Ally remarks that "people did genuinely believe that there was a real sense that Zuma was persecuted ... Zuma

²⁷³ For example, see Tomlinson, M., Bam, S. and Mathole, T (1995) *More than mealies and marigolds : From homeseekers to citizens in Ivory Park*. Johannesburg: Centre for Policy Studies. This publication explores the gap between housing policy and the expectations of homeseekers.

²⁷⁴ Interview with Janet Cherry.

²⁷⁵ Interview with Ebrahim Fakir.

²⁷⁶ Interview with Sidzumo.

²⁷⁷ Interview with Russell Ally.

²⁷⁸ Interview with Jeremy Cronin.

represented the victimhood of the masses. People believe that there is now someone who listens and cares.”²⁷⁹ However, another analyst argues that “we must guard against the idea that Zuma only represents the poor. He has a broad constituency, including BEE types.”²⁸⁰ He has also engaged some religious groups, especially the Rhema Church of Pastor Ray Macauley, and the conservative Afrikaans Trade Union, Solidarity, prompting one respondent to remark that “this ANC is pursuing an agenda of social conservatism.”²⁸¹ Tinyiko Maluleke, President of the SACC, comments particularly on Zuma’s and COPE’s mobilisation of religion around selected churches and leaders during the 2009 election campaign: the national elections were peculiar, in so far as religion has not been invoked as much previously. Both the ANC and COPE went for Christian church patronage ... There was an attempt to co-opt religious backing - how does Zuma suddenly become Reverend Zuma?

The “Zuma way” of organising, policing and containing churches, is to corral them into the new Inter-Faith Council. He is scared of the SACC because it has spoken against him and the ANC. This was not appreciated by Mandela or Mbeki. Zuma is a lot less tolerant of dissent than Mbeki. At the macro-level, Zuma’s approach to the church is not different to Mbeki’s who also had an inter-faith Council. Each has chosen his own group, and the critics are not in the fold.

The exclusion of the SACC [from the inter-faith council] is a blessing in disguise, as it relieves it of the burden of being beholden; it clarifies its relations with government. The SACC will use this space created by this apparent snub to be ourselves.²⁸²

This suggests that those who the Zuma administration is prepared to engage with may be carefully selected, either to contain possible dissent, to draw on their mass popular appeal, or to assist the ANC in policy-making. Those deemed too critical will continue to be excluded. This strategy echoes that of Mbeki, who preferred to select representatives in his multiple presidential forums, whom he believed would passively agree with him. It could possibly signal more continuity than change in terms of the ANC’s engagement with CSOs. The boundaries of inclusive engagement may be temporarily shifted, but contract in the long term.

As we have seen, Zuma has a broad-based constituency with apparent internal contradictions. These are also reflected in the Cabinet, from the appointment of Ebrahim Patel of COSATU and Blade Nzimande from the SACP, to the deputy minister of agriculture. Although it has been applauded for its inclusive nature, Ferial Hafajee maintains that “the Cabinet is an impossible compromise of conflicting interests, and may result in impotence. How will it then respond to civil society organisations?”²⁸³

²⁷⁹ Interview with Russell Ally.

²⁸⁰ Interview with Xolela Mangcu.

²⁸¹ Interview with Michael Sachs.

²⁸² Interview with Tinyiko Maluleke.

²⁸³ Interview with Ferial Hafajee

Contrary to the views expressed above, there are those who raise concerns about the euphoria surrounding the Zuma presidency, and the accompanying expectations of its warm embrace of civil society. For example, one respondent believes that “the Zuma presidency is in an *official* engagement with the underclass. The alliance *theoretically* speaks the language of the poor. The language is there in government. This could have material effects and it can create expectations. We may see a phase where there are more expectations, but this just means there will more likely be protests when they are not delivered on.”²⁸⁴ [Author’s emphasis]. Similarly, another interviewee says “I see a troubled era coming. Poor people’s support for Zuma is conditional. They will see that he doesn’t deliver and the romance of the Zuma era will fail.”²⁸⁵ Commenting on COSATU and SACP representation in Cabinet, he also shatters the myth that the alliance, and by implication, Zuma and the government, are more progressive than Mbeki:

The Zuma cabinet recognises the new relationship with civil society and how it is constructed. Is this a shift? No. It is not a victory of the forces of the left. This only highlights the extent to which COSATU and the Communist Party have moved themselves from their social base. They are not just membership based. There is a new social construction of poor and working class. There is a layer of working class people - 40 per cent of membership has degrees.

He further observes that “fifteen years of neo-liberalism has reconfigured the working class. They have no links to the alliance - this underclass is the new majority.”²⁸⁶ This suggests that there are many citizens who remain excluded from, and therefore are not organised or represented by, COSATU as a primary force in civil society.

Taking the argument further, one analyst remarks that in supporting Zuma’s rise to power, “anti-Mbeki forces cobbled together a right wing. Many are trained by Israel’s Mossad. NIA is heavily influential. There is a ‘secret state’ in South Africa. Nothing goes out of Zuma’s office without being approved by a high-ranking member of the NIA.”²⁸⁷ Other respondents agree that Polokwane and post-Polokwane reconfigurations of the alliance and Cabinet appointments do not illustrate a shift to the left in South African politics, and, on the contrary, are actually conservative. For example, one notes that “Polokwane was not only about internal struggles within the ANC. It was about fundamental disagreement about how to deal with revolution from the left ... The problem is Zuma is not a socialist. It is true that in the build up to Polokwane some space was opened up for the left and the working class. The same applies to the ANC internally.”²⁸⁸

Fikeni argues that disaffected factions within the ANC, the alliance, the ANCYL, ANCWL, uMkhonto we Sizwe (MK) veterans, employed strategists to ‘package’ (or in

²⁸⁴ Interview with Lenny Gentle.

²⁸⁵ Interview with Imraan Buccus.

²⁸⁶ Interview with Lenny Gentle.

²⁸⁷ Interview with a political analyst.

²⁸⁸ Interview with Trevor Ngwane.

Mathekga's words, invent) Zuma, in a particular way, antagonistic to the image of Mbeki. Respondents variously claim that either Zuma manipulated civil society groups to propel him to a leadership position, or that these groups manipulated him by offering him their support in exchange for future patronage. One commentator describes the process by which Zuma was 'packaged': "To understand Zuma you need to go back to the time when he decided to fight back, one year before Polokwane. From that time Zuma became 'managed' and he allowed himself to be managed. Zuma is part of a machine which is managing him and his outward manifestation."²⁸⁹ Another respondent claims that after being fired as deputy president, Zuma wanted to go home to Nkandla, and it was Blade Nzimande who persuaded him to stay and fight.²⁹⁰

Some interviewees suggested that the Zuma administration has no option but to be more responsive to CSOs, because of its inevitable and growing dependency on the good research and skills that reside within these organisations, and the shortage of time and money available to government:

The government is in for a shock. Mbeki and Mandela had the luxury of time and money. Now, people's patience is wearing thin, and money is tight. The country is on a knife-edge, with shrinking financial resources, and an increasingly demanding and impatient citizenry. Because of the time, money and intellectual sophistication and professionalism Mbeki had at his disposal, he could afford to shut out civil society. Zuma's government is likely to be more open. They realise that they can't do everything themselves.

Government is likely to become more reliant on good research and policy institutions. There is less money available to government, so its response to civil society inputs will be tempered by financial constraints. Compared to Mbeki's huge intellectual sophistication, Zuma will not be able to govern without increased research input from civil society organisations. There are many new ministers who know nothing about their portfolios, for example the Minister of Foreign Affairs knows nothing. That was a purely patronage appointment.²⁹¹

Further emphasising the ANC's and government's need to engage with CSOs, Mark Heywood of the Aids Law Project (ALP) points to Mbeki's dismal legacy in all sectors of society, saying that

... today all sectors are unravelling, especially health and education. There is a failure of service delivery. Zuma's government has to grapple with Thabo's legacy. Thabo left a mess. No-one can claim there weren't other choices. There could have been more responsiveness to the constitution. The private sector could have been pressured more. People were starved of social services, and it was denied. The prevalence of TB was denied. The limited impact of ARV roll-out was denied. The legacy of Mbeki results from his denialism."²⁹²

²⁸⁹ Interview with Abie Dithlake.

²⁹⁰ Interview with Xolela Mangcu.

²⁹¹ Interview with human rights activist; interview with Anneke Meerkotter.

²⁹² Interview with Mark Heywood.

It would seem that in some areas, the ANC is already engaging with CSOs. According to a land activist, the Women on Farms Project was invited to Luthuli House in early 2009. Prior to that, “when the ANC was writing up the Polokwane resolutions they did contact us to ask for input. Derek Hanekom was running a task team on reviewing land reform. He phoned us to ask us to participate. He asked for concrete policy ideas. He asked us to focus on evictions and propose a solution. In this sense the ANC did pick and choose parts of civil society to engage with. These issues did get into the ANC manifesto.”²⁹³ Ben Cousins of PLAAS relates similar experiences of the organisation making extensive recommendations for the Polokwane policy-making process.²⁹⁴ A director of an NGO relates similar experiences of IDASA having been approached to provide input into the ANC election manifesto. He points out that government draws its intellectual resources from civil society, and that this period is “the same as 1993-1995”.²⁹⁵ For many who believe that space for civil society engagement has opened up, the caveat is that CSOs must claim and exploit that space, that they must seize this moment and hold, protect and defend that space, and not allow it to close down again.²⁹⁶ As one labour analyst observes, “we have to learn from history ... We can’t do the 1994/5 thing where we assumed the ANC would be more sympathetic to workers ... Now there is more room for engagement with government. Unions created this space. We have created this opportunity for change, and if we don’t sustain it then we have ourselves to blame. We have ourselves to blame for 1996 [the advent of GEAR] because we thought that all people elected into parliament were going to represent our interests but unfortunately this was not the reality.”²⁹⁷

There are also those who believe that after this initial ‘honeymoon’ period, and apparent expansion of space for civil society to engage with the Zuma administration, there will be a subsequent contraction of this space, and relations will revert to those which dominated the Mbeki era: “Now, space is relatively fluid and open, but over time, the hegemony of the state over civil society will build again, and responsiveness will become less.”²⁹⁸ One commentator says that although “there is a glimmer of hope” with “the perception that there is a much more open environment than there was under Mbeki, civil society must question if this is just another empty promise.”²⁹⁹ Another asks “how long does this space stay open before the state reconsolidates and as new people settle down? I expect it will not be that different in the long run to the Mbeki regime”.³⁰⁰ One commentator goes further, arguing that, not only will there be no fundamental shift in relationships between the ANC and civil society, but that “Zuma operates behind a veneer of organisational and political populism. He represents ‘social fascism’. Here will be a

²⁹³ Interview with Fatima Shabodien.

²⁹⁴ Interview with Ben Cousins.

²⁹⁵ Interview with a director of an NGO.

²⁹⁶ For example, interview with a civil society practitioner.

²⁹⁷ Interview with Saliem Patel.

²⁹⁸ Interview with Ebrahim Fakir.

²⁹⁹ Interview with Russell Ally.

³⁰⁰ Interview with a director of an NGO.

reversal of progressive gains made under Mbeki in terms of policy. Zuma represents whatever he wants to, at any particular time. He shifts his interests to those backing him. He is a product of dissatisfaction with Mbeki's style of governing and lack of responsiveness to certain sectors."³⁰¹ Another respondent avers that "Zuma appears to be more accessible. He is a populist and is all things to all people. He will use structures within the party to gain power and to keep it."³⁰²

Another issue which emerges in this research is that of the balance of power between the ANC and government; between Luthuli House and the Presidency, and ultimately, between Mantashe and Zuma. It was largely agreed that under the Mbeki presidency, the party was considerably weakened, as the centre of power shifted to the Presidency. There is a considerable consensus that power has moved back to Luthuli House and the alliance. One commentator sums this up as follows:

The centre of power is now in Luthuli House. Luthuli House won't go down the Mbeki route again and allow power to sit in the hands of the elite in government. They will follow the model of the Chinese Communist Party and deploy cadres everywhere. The deployment of people is much more pronounced under Zuma than it was under Mbeki".³⁰³

This suggests that CSOs ought to knock on the door of Luthuli House. However, Ally raises the paradox of the balance of power previously being located in the Presidency, which forced debate out into society, and the shifting of power back to Luthuli House, which now has the effect of containing debate within the alliance:

Debate and contestation about issues now occurs within the ANC and the alliance partners. There is not much debate or contestation outside these structures. Because Mbeki suppressed debate in the ANC there was a lot of contestation outside. Public intellectuals today have tended to roll over. Intellectually there is no debate on the real and hard issues. Even the media has been cowered. The debate that does occur is about minor issues. The major issues are debated within the alliance. Civil society is not saying anything about race, for example. This happens between Malema and Mantashe. There is a strong need for a critical thinking voice of civil society to emerge.³⁰⁴

This points to a possible conditionality in Zuma's consultative approach: that it may be limited to specific groups, for strategic purposes. Another respondent points out that even if there is a shift in power from the Presidency to Luthuli House, "Zuma is going to have to work with the same political culture that dominates the ANC ... That culture is technocratic, bureaucratic, centrist and statist. Space for civil society to challenge and change things will be limited, even based on the assumption that Zuma is more accountable."³⁰⁵ And a civil society analyst disputes the notion that "all power is now in Luthuli House. There is all this

³⁰¹ Interview with Dale McKinley.

³⁰² Interview with Sheila Meintjes.

³⁰³ Interview with Russell Ally.

³⁰⁴ Interview with Russell Ally

³⁰⁵ Interview with Glenn Hollands.

talk about a Zuma camp - but his camp is quite small. Most current leadership consists of those who were anti-Mbeki. There is diversity and disagreement in the current ANC leadership. One day they seem to really want to listen, but not so the next day ... In the current environment there are considerable opportunities for influence.” He also believes that the ANC will be revived at all levels.”³⁰⁶ It is important to note that the ANC itself is not united, homogenous and monolithic. There is great fluidity within the ANC leadership, which CSOs can exploit to their advantage. This will benefit organisations operating at grassroots level, as their access to party structures will increase. In relation to concerns about the conservatism of Zuma, one commentator believes that there will be a creative tension between the Presidency and Luthuli House; that “Zuma is likely to be more conservative than Mbeki, but Luthuli House more radical.”³⁰⁷

Respondents who harbour negative perceptions about the Zuma ANC understand populism as a conservative force. For example, one commentator raises the nuances between form and content, warning “against the collapse of practice and policy: I don’t think there is going to be significant policy change. What Zuma is going to do is to develop a more consultative approach. It doesn’t necessarily mean the policy decisions are going to change.” “The ANC holds populist sentiments, including aversion to gay rights, support of the death penalty, and xenophobia. More democratic space does not necessarily mean more progressive policies.”³⁰⁸ Another analyst believes that “Zuma is feudal, backward and reactionary but has the façade of a progressive and uses the language of the Mass Democratic Movement. He knows his base is xenophobic, misogynist and reactionary. There will be no change in ANC policy”.³⁰⁹

Fikeni introduces the worrying observation that Zuma had always been part of the Mbeki-led government, with no distinct policy positions of his own. He did not challenge Mbeki’s AIDS denialism, nor did he publicly disagree with the ‘quiet diplomacy’ approach to the resolution of the Zimbabwean conflict. As one civil society activist argues, “Zuma listened to people to manipulate them for his rise to power. Where is his institutional track record that suggests he is interested in what other people have to say? Did he speak out against AIDS denialism, Zimbabwe, and so on? His apparent accountability is manipulative. COSATU, the SACP the ANCYL and Zuma are involved in mutual manipulation.”³¹⁰ This is of concern, as it suggests that Zuma is not his “own man and is unlikely to honour undertakings or assurances which he gives to any group, without the endorsement of his backers.

³⁰⁶ Interview with Steven Friedman.

³⁰⁷ Interview with Ferial Hafajee.

³⁰⁸ Interview with Michael Sachs.

³⁰⁹ Interview with political analyst.

³¹⁰ Interview with Glenn Hollands.

5.2.3 CSO's responses to the 'new' ANC

The majority of respondents from CSOs said that they have not revised their advocacy or research programmes for the following reasons: first, because it is too soon. They are waiting to see whether the policy and process changes introduced by the Zuma ANC will be consolidated, and whether they will have something new and meaningful to engage with. Second, because they do not believe that shifts in the political terrain necessitate revisions of their programmes, and that they should take responsibility for their focus and not be subject to external political influence. They should at least remain independent of party influence, if not set and lead the policy agenda. Third, some believe that it is sometimes more important and strategic to respond to changes in donor priorities, although this fragments their focus and results in unwanted discontinuity, thus weakening civil society. Fourth, some have decided that there is in fact no real change in the political terrain, in terms of policy or process. Fifth, a gender activist notes that to only engage with the ANC makes it more powerful. She avers that the party, state and government must be disaggregated, and approached strategically. "You have to analyse what is changing in the environment that will hinder or enhance your goals but you do not position yourself and define yourself and react to what the ANC is doing. That is putting yourself in a very weak position. You do not shift just because there has been a shift in the ANC but you do respond to changes in environment and of course the ANC is a very important aspect of the environment."³¹¹ Another civil society activist concurs, arguing that CSOs should "work through any organisation that is strategically appropriate."³¹² There was also a warning sounded that

... access and influence are very seductive and when you start getting it sometimes you are willing to make compromises so that you do not lose the access and influence that you do have but you get less and less and less in exchange sometimes. So it is a real challenge, because ideally you want to work with, there are times when you also want to be adversarial but I think you then sit with "if I am adversarial will I lose the engagement"? That is perhaps a tension one has to live with and which changes constantly, but it is one of the biggest challenges that will always be there regardless of the change in government.³¹³

Mark Heywood of the ALP observed that it is difficult to pin down the nature of the 'new' ANC; that it is different to that of Mbeki, but "contradictory". He observes that it seems to be genuinely progressive, but questions whether this is borne of true commitment to change, or merely a desire not to land up like Mbeki. He also observes that it is "partly progressive, partly conservative."³¹⁴ The question remains, then, what or whom is being engaged with?

³¹¹ Lisa Vetten, Policy Dialogue Forum 2. Johannesburg 04 November 2009.

³¹² Janine Hicks, Dialogue Forum 1. Johannesburg 04 November 2009.

³¹³ Lisa Vetten, Dialogue Forum 2. Johannesburg 04 November 2009.

³¹⁴ Mark Heywood, Dialogue Forum 2.

Two organisations which have analysed the ‘new’ ANC compared to the ‘old’ ANC, and are changing their structures, processes and priorities, are the ALP and the TAC. The former believes that rights and state organs, especially those of the judiciary are under attack, and will have to be more vigilantly defended. This conclusion is reached not only through an analysis of the apparent use of state organs to defend personal interests by both Mbeki and Zuma, but also through the observation of vocal attacks on the judiciary by Zuma supporters, and utterances by Zuma himself. Heywood argues that the government continues to misunderstand the meaning of the Constitution, which is that “the governed govern the government.”³¹⁵ The TAC believes that, having made substantial gains in terms of the roll-out of ARVs, and given the demise of an AIDS denialist president and minister of health, the health sector in general ought to be improved and health-care expanded.³¹⁶

A gender activist comments on the gender machinery which has been put in place in the Presidency. Referring to the Ministry of Women, Children and the Disabled, she argues that “it represents a fundamental misunderstanding of gender and gender issues. Women are not vulnerable, they are not child-like, they are equal to men. Such a structure permits women to be viewed as property, as child-like, as needing the care of men, as subordinate to men. The discursive construction of women is that of women as secondary subjects. It also suggests that women, like children, will be disciplined.”³¹⁷ On a more positive note, another gender activist notes that “the ANC’s Women’s Caucus is quite active and willing to engage. They are receptive rather than defensive, but it is not clear how meaningful this receptiveness will be in practice.”³¹⁸ Subsequently, a gender activist commented that this Ministry “is remarkably more receptive than any committee has been in my experience for years, and has been open to things like, for instance, us asking them to hold public hearings around the implementation of the Domestic Violence Act. They agreed, and they happened last week (last week of October). This week government departments are sitting in front of them.”³¹⁹

5.2.4 Zuma’ personal history and psychology

Many commentators believe that Zuma’s personality and history are defining features of his governance style, whether positive or negative. This can be disaggregated into four major aspects which respondents invoked: his poor, rural background; his apparent victimisation by Mbeki; his Zulu ethnicity and related traditionalism and, some believe, conservatism,

³¹⁵ Heywood Dialogue Forum 2.

³¹⁶ Mark Heywood, Policy Dialogue Forum 2. Johannesburg, 04 November 2009.

³¹⁷ Interview with Sheila Meintjes.

³¹⁸ Interview with Anneke Meerkotter.

³¹⁹ Lisa Vetten Dialogue Forum 2.

and his patriarchal attitudes. Zuma and his supporters have used these features in order to construct a particular image of Zuma which is the antithesis to that of Mbeki.

First, the fact that he was poor and has apparently mobilised a pro-poor constituency has considerably raised expectations around the development of pro-poor policies, decreased poverty and inequality, and increased and improved service delivery and rural development.

Many people don't have much interest in ANC policies but want to look at a person's character. Some have the idea that even if they don't believe in party politics they can still rely on a particular person. This is why people still have hope pinned on Zuma. Zuma comes from a deep rural area and a pro-poor area. He understands poverty and this could impact on ANC policies. [Many people] hope that Zuma's background could bring change and a better life and decrease the gap between the rich and the poor. A lot is expected of him to change poverty. I think he will try his best."³²⁰

Second, many sectors, such as the taxi drivers discussed earlier, identify with Zuma because of his 'victim' status. One analyst observes that "the general societal excitement around a single figure, Zuma, hasn't happened since the 1994 excitement around Mandela."³²¹ Jeremy Cronin warns against a personality cult developing around Zuma, and cautions against "the mobilisation on the basis of 'victimhood'".

Zuma is a victim; we are victims; we have all been 'messed around' and so on. The ANC cannot use this idea again in five years time. There has to be change. There [is] a recognition that there can't just be a cult of Zuma. He knows he needs to drive consultation and participation. This does come fairly naturally to him."³²²

Another respondent points out that people may become so dazzled by and swept up in the Zuma cult, that "the Zuma regime will destroy civil society because we forget what we want as people and we keep on chanting 'Zuma' while they are not giving us what we want. If we're not careful about what we are doing we'll end up being defeated."³²³

Third, many respondents believe that "Zuma, as a person, may be a social fascist. Zuma has conservative values and appeals to traditional leaders, the church and Afrikaners ... He is as paternalistic as Mbeki."³²⁴ Yet another argues that "people are lulled into a false sense of security by the Constitution. This is a conservative country, and Zuma has tapped into that conservatism with his populism. He has a powerful conservative constituency."³²⁵ In other words, without making the Constitution work, progressive rights and entitlements may be eroded. Many of the concerns about Zuma's conservatism have been addressed in the discussion concerning the type of constituency which was cobbled together to bring him

³²⁰ Interview with Sbu Zidoke.

³²¹ Interview with Xolela Mangcu.

³²² Interview with Jeremy Cronin.

³²³ Focus group respondent, Durban.

³²⁴ Interview with Ebrahim Fakir.

³²⁵ Interview with Dale McKinley.

to power. Paradoxically, the space which was opened up by sections of COSATU and the SACP, seems to have been largely filled by conservative forces.

5.3 Implications for engagement between civil society and the Zuma ANC

This discussion begins by addressing CSOs' perceptions of the 'new' ANC, and implications for engagement. It then moves to an examination of the strategies which civil society can adopt in response to the new Zuma administration, within a new political context. These involve questions of what institutional avenues organisations can use most strategically to engage the new administration, together with how civil society can activate these and mobilise, and what issues they should address.

5.3.1 Implications of the 'new' ANC for CSOs

As discussed previously, many commentators agree that more space has opened up for CSOs' engagement with the Zuma administration. This already implies that existing institutions for engagement can be used more effectively and productively. Some also believe that civil society is stronger now than it was under the Mbeki administration, precisely because of the greater likely responsiveness of the state as a result of the leadership crisis within the ANC and "what happened to Thabo Mbeki". However, as Adam Habib warns, "although civil society is in a much more positive space, it is a space that they should not be complacent about because it is not a guaranteed space." Another factor which he believes can benefit some sectors of civil society's success with government engagement is a developmental agenda.³²⁶ An analyst within the ANC agrees that "there will be an opening up, with civil society supporting the state more, rather than making claims against it."³²⁷ Mark Heywood of the ALP concurs, saying "we have to take the government at face value ... We must do what we can to assist. We wouldn't easily take on major litigation at this point, but it doesn't mean we wouldn't litigate at all. This is a different political scenario." He observes that "Zuma is qualitatively different from Mbeki, and more accessible." This has carried over into government, with easy access to the minister of health, who calls up the ALP and TAC. On December 01, World AIDS Day, Heywood appeared on the same platform as Zuma and Health Minister Motsoaledi, as Zuma unveiled the government's new HIV/AIDS plan. But again, he warns that "this doesn't mean that civil society must be lulled into a false sense of security ... There are still rotten people in the ANC ... who lack honesty and integrity, are not democrats and do not subscribe to the constitution. They have less hesitation about impinging on the powers of the judiciary."³²⁸ Jeremy Cronin views the "real challenge" as being

³²⁶ Interview with Adam Habib.

³²⁷ Interview with Michael Sachs.

³²⁸ Interview with Mark Heywood.

to develop a relationship which will always have a tension inherent in it, between the state and civil society. We must not build a moat between the two. We must dynamise the connection. Social movements need to not always see themselves as in opposition. They might need to oppose certain policies. The state also needs to see that it can't affect transformation unless there are 'popular motive forces' ... The real reason [for lack of progress with transformation] is that there is no social mobilization of forces. Instead the government tries to go through traditional leadership or negotiate with commercial farmers, and so on."³²⁹

Thus it is understood that the adversarial relationship between civil society and the state which prevailed under Mbeki, has shifted, and must shift, fundamentally, to a relationship of collaboration and co-operation. However, Heywood warns that the way in which Mbeki worked is open to Zuma as well: "Zuma will impose conservatism on the ANC. But we won't get a rerun of Mbeki. Social issues are different and the naivety is gone. There is a sense of greater desperation to deliver."³³⁰

Others are more circumspect. For example, a member of a shack dweller's social movement notes the systemic and institutional context in which Zuma operates, observing that

When people see a change in politics it raises a lot of hope. Some see Zuma as a person who is pro-poor. As much as he is pro-poor in heart he is still working in a capitalist system where it is not that easy for him to do what he likes. He has to work within the mandate of the ANC. This is the same ANC who has not delivered to the poor. We should not raise high hopes. The same thing happened when Mandela came into power; we had high hopes. But there are still so many of us living in shacks. Zuma may offer jobs but how can he meet this? People will believe you but when you can't deliver people will lose hope. Zuma exaggerated and it is not very likely it will work. Every day people are losing jobs. Why doesn't Zuma first try to stop people from losing jobs and then look at creating new job opportunities?³³¹

A former ANC underground cadre and leadership figure, now an academic, is more emphatic. He believes that civil society is likely to be weaker than it was during the Mbeki era. He argues that "rhetoric does not refer to ways in which the popular can be organized and manifested ... Stalin said 'deeds not words', so let's see. My general view of the Zuma phenomenon is that it is demagoguery ... [There is] primarily personalization and religiosity around the leaders."³³²

Although agreeing that civil society is weak, a political analyst believes that, nevertheless, future hope lies in civil society. "South Africa needs a vibrant civil society ... at this stage there is a vacuum which civil society can fill." He explains that the weakness in civil society

³²⁹ Interview with Jeremy Cronin.

³³⁰ Interview with Mark Heywood.

³³¹ Interview with member of Abahlali baseMjondolo

³³² Electronic communication with Raymond Suttner.

is a function of a weak state. The state can't deliver goods, transfer money, for example, social grants and pensions, has only the semblance of a police force. Local government is weak. Only a strong state can generate a vibrant civil society. People are ... too preoccupied with trying to feed and clothe themselves, finding jobs, and just trying to survive, to have time to engage in associational life."³³³

Another analyst responds, arguing that "Zuma understands that people cannot participate in this stuff as they are engaged in livelihood activities. So Zuma goes to them."³³⁴

5.3.2 Strategies of engagement for civil society.

Many respondents agree with civil society analyst Steven Friedman's observation that "the challenge is for civil society to rethink its strategic framework."³³⁵ According to Friedman, this re-strategising should have occurred as far back as 1994, when CSOs should have cut the umbilical cord which tied them to the ANC. He observes that "since 1994 civil society have the view that they took over government and therefore government should listen to what they have to say. The reality is, just because government was against apartheid does not mean it is on the side of civil society."³³⁶ This echoes arguments raised in a previous section, concerning CSOs' presumptions that government should willingly and pro-actively engage with them, even establishing strategies to do so. In truth, as previously noted, and will be discussed further, government does provide institutional means of engagement. One of the challenges for civil society is how to capitalise on these opportunities. As Friedman avers, "there is a tendency for civil society to exaggerate constraints."³³⁷

We now turn to a discussion of strategies that CSOs could adopt to engage effectively with the Zuma administration, none of which are mutually exclusive.

Means of engagement

a) The Party or the President?

One debate revolves around Luthuli House vs. the Union Buildings. As discussed in the previous section, a concern of civil society is whether the centre of power lies in Luthuli House and the ANC, led by Gwede Mantashe, or in the Union Buildings and government, led by Jacob Zuma. One commentator argues that "Gwede Mantashe is far more vocal on issues than Zuma is. Who has decision-making authority? Where is Zuma's voice in the nationalisation debate? There is apparently no coherent centre. Who occupies power and where? For civil society, how do they leverage power?"³³⁸ Similarly, another says "we need

³³³ Interview with political analyst.

³³⁴ Interview with Ebrahim Fakir.

³³⁵ Interview with Steven Friedman; interview with human rights activist; interview with Adam Habib; interview with Michael Sachs; interview with Ferial Hafajee.

³³⁶ Interview with Steven Friedman.

³³⁷ Interview with Steven Friedman.

³³⁸ Interview with Ferial Hafajee.

to know what are the structural processes whereby we can engage: what door do you bang on? The Presidency or Luthuli House or the Departments?”³³⁹ A possible response is that Zuma, who is perceived by some as conservative, will imprint this conservatism on government, whereas Luthuli House is likely to rein it in and balance it. “So there is tension between Luthuli House and the Union Buildings. This presents a creative tension between conservatism and liberalism, and presents interesting opportunities for various sectors of civil society, in terms of where to strategically make their input. [But] Zuma has a foot in both centres of power and should not be underestimated.”³⁴⁰ Another analyst, although agreeing that there has been a post-Mbeki revival of ANC branches, argues that “the centre of power will always be government, as government has resources and can appoint on the basis of patronage. The entire point for civil society is government and the presidency.”³⁴¹ The President of the SACC, Tinyiko Maluleke, firmly believes, based on the experiences of the Council that “the presidency is neither the only, nor the best handle to influence government.” He explains that Zuma, following Mbeki, has created his own inter-faith council, headed by Rhema Church leader Ray McCauley and Vusi Mona. “From the SACC point of view, the state is trying to create its own religious constituency, with elements of divide and rule ... The exclusion of the SACC from the inter-faith council is a blessing in disguise, as it relieves it of the burden of being beholden; it clarifies its relations with government. The SACC will use this space created by this apparent snub to be ourselves.” In response, the SACC wants to “rethink theologically how to engage with government.” One way is to engage with the government via the people and their organisations, through SACC provincial councils. “We would rather walk to Ivory Park than walk to the Union Buildings.”³⁴²

b) The courts

Another avenue of institutional engagement is the courts, accompanied by the Bill of Rights and the Constitution. As discussed previously, both TAC and the Tshwaranang Legal Advocacy Centre have adopted this approach. But Mark Heywood of the ALP acknowledges the current constraints on the use of the courts to ensure the protection and guarantee of rights and entitlements, and the challenges which these raise. He explains that

peoples’ ability to get into the legal system and make it work, must be developed...Not only civil society, but the state, has a duty to assist people to access the courts. COSATU has an agenda to budget for access to justice. At the moment, the Legal Aid Board helps people to access the courts for criminal cases. The CCMA assists access to legal services. It is a poor peoples’ institution. People don’t have to take on the complex machinery of the judiciary. There remain the related problems of access to the Constitutional Court and access to information in terms of how to manage the judicial system. Certain groups are privileged over others. [But] civil society action cannot be reduced to

³³⁹ Interview with Richard Worthington.

³⁴⁰ Interview with human rights activist.

³⁴¹ Interview with Xolela Mangcu.

³⁴² Interview with Tinyiko Maluleke

litigation through the courts. This may be one of a number of strategies, and a short-term one. We also have demonstrations, marches, and so on.³⁴³

Heywood also argues that CSOs have a normative role to play, through exercising constant vigilance over the Bill of Rights. He encourages awareness of three issues: first, that the Bill of Rights does nothing to change the conservatism and prejudice in society. “If we had a referendum on the death penalty we would lose.” Second, our society is not reflective of the universal acceptance of human rights. The leverage of those rights is necessary. The rights themselves are an aspiration. Almost nothing is spent on legal services for the poor, or on public education concerning legal issues, access and the judiciary. Third, is the Constitution under threat? “The ANC is trying to annex powers. The ANC is not homogenous and some will defend the constitution and others will undermine it. For example, Blade [Nzimande] sees it as a liberal 1994 construct. We have to make the constitution meaningful.”³⁴⁴

c) Parliament and departments

Many respondents mentioned the use of institutional civil society/government engagement, such as parliamentary portfolio committees and direct communication through relevant departmental officials.³⁴⁵ An example of an organisation with a multi-pronged agenda and approach is Earthlife Africa. For example, on 2 August, acting through the Legal Resource Centre, it made a submission on the Social Impact Assessment for the Pebble Bed Modular Reactor. It also made a submission to the National Electricity Regulator of South Africa (NERSA) on its proposals for further expansion to the Renewable Energy Feed-in Tariff. It has multiple campaigns through which it mobilises communities and activates research. These include Animal Action, Biodiversity and Toxics, Renewable Energy, Nuclear Energy, Zero Waste, Acid mine Drainage and Climate Change. Using research, it lobbies government and industry.³⁴⁶ The SACC has a parliamentary office which monitors parliamentary developments, lobbies for certain bills and communicates from parliament with the churches. This means that the SACC is aware of what parliament is dealing with, thus creating opportunities for churches to meet with parliamentarians as well as to discuss issues with their congregations. A downside to this method of engagement is the cost factor, as it is expensive to maintain such an office.³⁴⁷ For alliance members the SACP and COSATU, there is the option of having members both in parliament and in the cabinet. This would seem to be a double-edged sword for some, as it can both improve representation, but carries the dangers of co-option. According to Cronin, “the SACP developed an aversion to going into government on the grounds that it would undermine the capacity to

³⁴³ Interview with Mark Heywood.

³⁴⁴ Interview with Mark Heywood.

³⁴⁵ Interview with Anneke Meerkotter, interview with Richard Worthington.

³⁴⁶ Interview with Richard Worthington.

³⁴⁷ Interview with Tinyiko Maluleke.

mobilize.”³⁴⁸ A human rights activist raised a number of immediate issues, and suggested that civil society should capitalise on the current space which has opened up, and use existing institutional means to address them and forge an agenda. She argued that

This is a critical moment for civil society to engage and to set the policy agenda. For example, price fixing: why does it not petition the National Department of Public Prosecutions, and get them to prosecute companies involved in price fixing, especially food? Why does it not institute a class action against companies guilty of price fixing? Why does it not use the judiciary more: Why does it not lobby appointment to the judiciary from other sectors? Who says only judges and advocates can be appointed?³⁴⁹

There are two state institutions which some commentators highlighted as being of concern to civil society. One is the Ministry for Women, Children and the Disabled; the other is the new Planning Commission. On the first, a gender activist argues that putting women in the company of children and the disabled, sends out negative images about women. It infantilises them and suggests that they have diminished capacity to act in their interests and require [male] protection.³⁵⁰ On the second, a commentator warned that “civil society should be worried about the messages sent out by the formation of the Planning Commission. This is the exact antithesis of the RDP. States with national planning committees are statist, centrist, exclusivist and unresponsive to civil society.”³⁵¹

d) People and personalities

Some civil society activists commented on the use of individuals to gain access to decision-making processes. For example, one observed that although one cannot attend caucus meetings, if one identifies the right person in a party caucus, it is possible to exert influence through them by feeding them with information and research, and then hoping that they would champion causes within those spaces.³⁵² Another explained how “the right parliamentary researcher in combination with the right portfolio committee chairperson, can allow you to push and influence decision-making processes ... It is about finding those little pockets of people and then working with them. Sometimes it means working with the ANC, or with government, or with parliament, across parties. For me, it is about looking at what the situation is, and who are the people involved ... It’s also about building the capacity of people in government or political parties to develop their thinking if you want those champions to push and give you influence.”³⁵³

³⁴⁸ Interview with Jeremy Cronin.

³⁴⁹ Interview with human rights activist.

³⁵⁰ Interview with Sheila Meintjes.

³⁵¹ Interview with Ferial Hafajee; also interview with Xolela Mangcu.

³⁵² Janine Hicks, Dialogue Forum 1.

³⁵³ Lisa Vetten, Dialogue Forum 2, Johannesburg 04 November 2009.

e) Intra-organisational collaboration

Intra-organisational collaboration, both within and between sectors in civil society, was offered by a number of commentators as a means of strengthening civil society, and its impact on policy-making. It enables organisations to share information, build a louder voice and a larger critical mass. For example, Tswaranang Legal Advocacy Centre, in collaboration with the AIDS Legal Network (ALN), Sex Worker Education and Advocacy Taskforce (SWEAT) and South African National AIDS Council Women’s Sector Task Team, issued a collective media response to Gauteng Premier Nomvula Mokonyane’s commitment to deal with the sex work industry ‘objectively and with an open mind’.³⁵⁴ A related method is that of CSOs gleaning their information from communities and community-based organisations, rather than from government or the party, and then engaging with decision-makers on the grounds of first-hand experience, rather than government or party ‘spin’. Thus Tinyiko Maluleke, President of the SACC, explains that

... it is time for civil society organizations to go back to the people and listen anew. We made a mistake going to the Union Buildings to understand what’s going on in Alex. We must go to Alex.

The SACC wants to move from a policy of ‘critical solidarity with government’ to solidarity with the poor. This implies that government does not always represent the best interests of the poor. The SACC wants to take up issues of vulnerable groups and issues such as foreigners and xenophobia, women and children. It no longer assumes that government represents the poor, although at times they do. Where we get nice surprises, we appreciate them. Representivity is more hotly contested than ever before.³⁵⁵

f) Community-based organisations

Drawing on the theme of community activism, an activist notes that CBOs cannot rest. “As the community we still have to work very hard to make sure that the people are educated on politics. At the end of the day we have to work very hard on the ground so that we know that may at a certain time we believe that something will happen ... but if we do not understand [what’s going on] it’s going to be very difficult ... We want policies to come from down here via the people themselves unlike these top down decisions that are taken. We want people to have a say in what is changing.”³⁵⁶

In addition to continuous political education, Jeremy Cronin calls for additional community mobilisation. He uses the example of the Bus Rapid Transport (BRT) system to illustrate his argument:

There are very progressive people involved in the BRT, and want to offer decent employment to taxi drivers. But it requires cracking problems of warlordism in the mini bus sector. Where are the communities? They have all vested interests and want public transport and are upset with many taxi

³⁵⁴ Interview with Anneke Meerkotter; also interview with Tinyiko Maluleke.

³⁵⁵ Interview with Tinyiko Maluleke.

³⁵⁶ Durban focus group.

operators ... Government has done the technocratic things, but where is the social mobilization? This is a prime example of how we have forgotten how we operated in the 1980s and what worked then.³⁵⁷

A civil society academic and activist has a different view: he believes that less protest and more negotiation are necessary, and now possible. He cites his “problem with the Left as concentrating on and putting all their efforts into protests” and “the negative side of being involved in dealing with issues”. Instead, he advocates engagement as positive, “where you can sit around the table.”³⁵⁸

g) The media and research

There are two other means which civil society can use to influence decision-making. One is the media, and the other is research.

The media and public opinion have a strong influence on policy through informing citizenry and encouraging robust debates within society. One media commentator believes that, although Mbeki did pay attention to the media, “Zuma is likely to pay more attention than Mbeki. Zuma is aware of the power of the media and the international community ... He knows having seen what happened to Mbeki, that South Africans cannot be taken for granted.”³⁵⁹

Research is mentioned by a number of respondents as being a powerful tool to wield influence over decision-makers. One respondent notes that “the relationship between research, campaigning and negotiations has become more interlinked. This is now seen as one process. Campaigns are more sophisticated.”³⁶⁰ A gender activist notes that if organisations wish to be taken seriously and have a substantial impact on policy-making, through institutional submissions or strikes and protests, good informational backup is essential. “We can only hold government accountable if we know what we are talking about.”³⁶¹

h) Extra-institutional and extra-legal means of engagement

There are other extra-institutional, and sometimes extra-legal means which can draw attention to the concerns of civil society, as well as protect the space which it occupies. For example, according to one commentator, the ANC is proud of its international respectability, which it has cultivated over decades, and it is unlikely to jeopardise it by behaving rashly towards civil society. Furthermore, the country’s history of activism, which is passed down through the generations, will protect the space in which civil society

³⁵⁷ Interview with Jeremy Cronin.

³⁵⁸ Durban focus group.

³⁵⁹ Interview with Xolela Mangcu.

³⁶⁰ Interview with Leonard Gentle.

³⁶¹ Interview with Anneke Meerkotter; also interview with Tinyiko Maluleke.

operates. “Civil society will not be bullied ...The youth are very active. Civil society is highly differentiated, and this ensures against a single individual monopolizing power and being unaccountable.” He argues that there is similar diversity within the ANC itself, which militates against a concentration of power.³⁶²

Despite debates around community involvement with CSOs, some respondents raised concerns that, formally, changes may take place at a national level, but “are not sure of what will happen at the local level”. He notes that since 2003 there has been no communication between ABM and the local ANC councillors.³⁶³ A gender activist highlights the importance of civil society/ANC engagement at the local level, noting that

... today, interaction with local authorities is expected, and there is a deep sense of cynicism about the state, political elites, the wabenzis, corruption, etc. For example, Sam Shilowa came from nowhere, he is now a millionaire. Other people have to use their initiative, and they wait for things to happen and are getting very angry. Just about everybody’s angry at local level. They say the state isn’t doing anything, the Freedom Charter is not being honoured. They want to know ‘what do we need these arms for? Why hasn’t the state made clinics here?’ How is policy now written without constituencies?³⁶⁴

The rise of community protests, allegedly over the lack of service delivery, which have bedevilled the country for a number of years, is an extra-legal approach adopted by elements of society to draw attention to grievances. As noted by one analyst, these protests “suggest that the political process does not accommodate certain groups and grievances. These protests are spontaneous, re-active and often violent. Often the demand is to kick out the councillors or the mayors, who are symbols of lack of service delivery.”³⁶⁵ Zuma may have set an unfortunate precedent when he arrived in Balfour, unannounced, in response to civic protests. He cannot be everywhere at once, and cannot respond personally to every bout of community disquiet. His visit to Balfour may also aggravate community protests, raising expectations that if communities have a problem, protest will solicit Zuma’s personal attention. His arrival in Balfour and Sexwale’s overnight stay in Diepsloot may carry enormous symbolic value, and powerful political currency, but these acts may become increasingly hollow when pitted against the real crises of service delivery in some areas. The question for CSOs is how, and whether, it should respond to these protests.

5.3.3 *The policy agenda*

The new administration has new policy priorities such as agricultural and rural development, land, unemployment and inequality. Civil society must decide whether it is satisfied to follow government’s agenda, or whether it wishes to raise new issues, and to lead and redefine the national agenda in terms of its civil society’s priorities. Organisations

³⁶² Interview with Xolela Mangcu.

³⁶³ Interview with S’bu Zidoke.

³⁶⁴ Interview with Sheila Meintjes.

³⁶⁵ Interview with Janet Cherry.

need to establish what they want to focus on in terms of both research and advocacy. They need to engage with funders in order to secure finances for their research agendas. For example, the protection and guarantee of human rights is a condition for funding. New issues on funders' agendas include environmental rights, migration and xenophobia, identity and citizenship.³⁶⁶

6. THE ALLIANCE POST-POLOKWANE

Have alliance relations reconfigured post-Polokwane, and if so, to what extent? Has the ability of the SACP and COSATU to influence policy increased? Many respondents argued that the alliance today has undoubtedly changed in its relations of power. There were several reasons given for this.

First is the view that because parts of COSATU and the SACP are believed to have catapulted Zuma to power, they are now entitled to exert more influence over policy and hold more power within the alliance. An ANC insider, however, contradicts the conventional wisdom that the SACP and COSATU propelled Zuma to power, and that this has strengthened their influence. He argues that "Polokwane was a rebellion of provincial leadership against ANC centralized control over the appointment of Premiers. The credit given to COSATU and the SACP for unseating Mbeki is in inverse proportion to their influence."³⁶⁷ Other commentators argue that in the run-up to Polokwane there were two ANCs; one outside state structures that were institutionally weak and politically disaffected, and one inside state structures which were strong and in control of the state machinery. Perhaps most accurate is the view that Zuma was able to mobilise the ANC outside state structures, and aligned it with the SACP and COSATU in a populist uprising in Polokwane against the state and government-based ANC led by the Mbeki faction of the party. This implies that the alliance partners alone do not have extraordinary influence over Zuma, but that their level of influence may have increased.

If the alliance partners have increased their influence over the ANC, there are several consequences. On the one hand, the stronger role of COSATU and the SACP is viewed as strengthening the alliance: "relations in the alliance have improved ... the Party has become quieter post-Polokwane, and COSATU and Vavi more vocal. The Youth League have a higher profile especially with Julius Malema ... Given that COSATU and the SACP supported Zuma's leadership battle, relations within the alliance are better. There is far more communication between the parties."³⁶⁸

Others argue, however, that a more powerful COSATU and SACP has led to more, not less, conflict between alliance members. Precisely because there is more space within

³⁶⁶ Interview with human rights activist.

³⁶⁷ Interview with Michael Sachs.

³⁶⁸ Interview with Donovan Williams.

the alliance, “fissures are beginning to show ... Now all members can have their say.”³⁶⁹ Another respondent concurs, saying that “there is tension and division within the alliance, and the hold at the centre is fragile.”³⁷⁰ A civil society activist describes this dynamic as follows:

The alliance has reconfigured, and more groups have asserted themselves; the SACP, COSATU, ANCYL and the Women’s League. There are tensions between the ANC as a political party, and with alliance members, its own membership and branches. It is a very broad movement, with different interests pulling in various directions, exerting competing pressures. It has not been strengthened. Factionalism may result in it losing its institutional and organisational integrity.³⁷¹

There are certainly many recent examples of contestation between alliance partners. Political commentator Allister Sparks argues that getting rid of Mbeki was merely round one of the battle of COSATU and the SACP to impose their will on the ANC. Round two has begun with an attack on Trevor Manuel and the Planning Commission, at COSATU’s national conference. The attack was based on the Commission’s green paper, which COSATU claims is an attempt to subordinate all cabinet ministers, including their own Ebrahim Patel, the Minister of Economic Development, to the Commission. A report on the green paper presented at the Conference warned of a conspiracy to roll back the left’s Polokwane gains “spearheaded by the running dogs of the erstwhile powerful forces that colonized key positions in government”. It accused Manuel personally of having “a history of unaccountability in the collective, imposition of undemocratic structures in the form of the Treasury” and “open flouting” of mandates from the ANC and alliance partners.³⁷² Vavi further warned of “the massive turf battle in cabinet for the control and direction of policy formulation”.³⁷³

After the conference, commenting on the ANC’s failure to defend Trevor Manuel, Masetlha (former Mbeki confidant and NIA chief) said “the cause for our struggle has always been about national liberation. The day the ANC sings to the socialist agenda, it would be signing its death warrant.”³⁷⁴ He also expressed concern at the increasing dominance within the party of its alliance partners COSATU and the SACP. He claimed that SACP general secretary Blade Nzimande, who is also the Minister of Higher Education and Training, was attempting to influence the direction of the ANC. He told the *Mail & Guardian* newspaper “I will have a problem with someone trying to impose a communist manifesto on the ANC. We fired a lot of [comrades] in the past who wanted to do the same thing.”³⁷⁵ SACP spokesman Malesela Maleka retaliated: “History is littered with rabid anti-communist sentiment in the ANC. In fact, it is anti-communists who have been expelled from the movement, for wanting

³⁶⁹ Interview with Jeremy Gordin.

³⁷⁰ Interview with human rights activist.

³⁷¹ Interview with Janet Cherry.

³⁷² <http://www.businessday.co.za/articles/content.asp?id=82640>

³⁷³ http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=vn20090924041825930C.

³⁷⁴ <http://www.timeslive.co.za/opinion/columnists/article146737.ece?service=print>.

³⁷⁵ <http://www.timeslive.co.za/news/local/article149612.ece?service=print>

to return the ANC into a narrow, elitist organization.” The National Union of Metalworkers of SA, further said that “Masetlha’s assertions fit squarely into the destructive anti-alliance agenda, as espoused by the ‘1996 Class Project’... which was partly dislodged by the majority of delegates in Polowane.”³⁷⁶ Masetlha warned that if Zuma did not take a firm stand against leftist tendencies, ANC members would revolt against him as they had against Mbeki.³⁷⁷ The ANC dismissed Masetlha’s concerns as “unfounded and regrettable”.

A further concern regarding the reconfigured alliance is that Zuma is beholden to the SACP and COSATU, to the extent that he has made himself vulnerable. A human rights activist notes, “The SACP and COSATU can now flex their muscles. Not only have they supported Zuma into power, but they know the deficits in government ... how secure is Zuma? What promises will he have to fulfil to keep himself in power? ... He needs to retain the support of the people who helped him into power. This makes him very vulnerable.”³⁷⁸ Sparks observes that:

The defining feature of Zuma’s presidency is his eagerness to keep the broad church [of the alliance] together at all costs, which means he can never back one faction to the disadvantage of another. This inhibits decisive leadership ... It is a formula for political inertia which is becoming evident across a broad front of critical national issues. And so the debilitating power struggle will continue until some catalytic even triggers a break-up of the alliance.³⁷⁹

Tim Cohen, *Business Day* columnist, concurs: “The fractiousness of those inside the tent illustrates the biggest problem with inclusivity: it’s heart-warming in theory, but nothing ever gets done, because there is so much squabbling.”³⁸⁰

A second change in the alliance relations is the appointment of senior leaders of the SACP and COSATU into Cabinet. Does the high profile of COSATU and SACP members in Cabinet illustrate co-option and constraint, or increased influence? On the one hand, it can be argued that alliance partners will have more influence on policy making and governance from the inside. To date there is no clear evidence that any of the current COSATU and SACP appointments are in compromised positions.

On the other hand, there is concern that being part of Cabinet will inhibit alliance leaders in terms of what they can do and say within the procedural and rule-bound constraints of the executive.³⁸¹ Will alliance partners lose independence if they have to operate under rule-bound institutional constraints? One civil society activist suggests, “SACP and COSATU sold their souls to gain influence and hold over Zuma. Influence was traded for

³⁷⁶ <http://www.timeslive.co.za/opinion/columnists/article146737.ece?service=print/>

³⁷⁷ <http://www.mg.co.za/prinformat/single/2009-10-and-backlash-against-the-left>.

³⁷⁸ Interview with human rights activist.

³⁷⁹ <http://www.businessday.co.za/articles/Content.aspx?id=82640>.

³⁸⁰ <http://www.businessday.co.za/articles/Content.aspx?id=83744>.

³⁸¹ Interview with Janet Cherry.

independence and they have been co-opted.”³⁸² Certainly, it must be noted that COSATU and the SACP are now in a challenging position. As a dialogue forum respondent explained, they “straddle a position between being a quasi political party in government and part of civil society”. This could compromise their ability to act independently. Alternatively, the ability of COSATU and the SACP to “play the role of both government and opposition”, as newspaper columnist S’Thembiso Msomi describes, could have a positive effect on policy making. Msomi provides recent positive examples, such as their role in pressurising the ANC government to roll out antiretrovirals, the SA Transport and Allied Workers’ Union’s campaign to expose corruption at SA Airways, and the Communications Workers’ Union raising the issue of maladministration at the SABC.³⁸³

Another view is that having the SACP and COSATU in the executive could, as discussed above, exacerbate conflict. “Now that the SACP and COSATU are in government there will be more contestation. What happens if they can’t get gains?”³⁸⁴ This of course, need not be detrimental to the alliance or good governance, as conflict, or contesting points of view can strengthen policy making. Finally, of concern regarding the appointment of senior leaders of the SACP and COSATU into cabinet, is that a move of leaders of the alliance partners could mean a loss of leadership and capacity for the organisations concerned.

It is clear that the alliance post-Polokwane has fundamentally refigured. Pre-Polokwane, the SACP and COSATU were largely united against a common dislike of some of the Mbeki-led ANC policies, and a feeling that they were sidelined by Mbeki. They exacted their revenge by mobilising around Zuma and against Mbeki, ousting the latter at Polokwane. This has had several consequences: first, the alliance partners have ostensibly increased their level of influence over policy making; second the apparent unity which prevailed between COSATU and the SACP pre-Polokwane has fractured, leaving the three partners in more open contestation over policy. Third, for some commentators, it has raised concern about having a president that is constrained in his ability to lead decisively; who cannot support either side, for fear of a backlash from the other. Fourth, these contests are played out between cabinet and the alliance. Many interviewees claim that the alliance is now stronger. Paradoxically, on closer examination, this does not seem to be the case. COSATU and the SACP may be stronger individually, as component parts of the alliance; they may now have a stronger voice, both within the alliance and within Cabinet, and some measure of influence over Zuma, but as a collective, the alliance is still fluid and ever-changing, with no definitive strengthening of the coherent whole.

³⁸² Interview with Glen Hollands.

³⁸³ <http://www.timeslive.co.za/opinion/columnists/article149882.ece?service=print>

³⁸⁴ Interview with Imraan Buccus.

The major concern expressed by commentators in terms of the relationship between the alliance and civil society, is that civil society is over-determined by COSATU.³⁸⁵

The ties that bind

Even with the complexities, the fluidity and the challenges facing the alliance described, it has held. There are arguably three main reasons for this. First is an historical common vision. COSATU and the SACP, it could be argued, are bound together by the umbrella vision of the National Democratic Revolution, or ‘the mission’, as discussed in the introduction. The concept is broad and sufficiently ambiguous, to unite multiple organisations with diverse ideologies, into a ‘broad church’. The common vision is the struggle. Cape Town High Court judge Davis argues that after forming an alliance with COSATU the ANC was able to push for a national democratic revolution which was somewhat different to the demand for a socialist democracy, because democratic change and ambiguous policies for social change kept all alliance members within the broad church of the ANC. Although the ANC is a multi-class organisation its dominant faction was a black middle class who primarily wanted to achieve the first stage of a national democratic revolution, and it was this group that were happy to negotiate a compromise that preserved the structure of the economy while outlawing racism. Those in control in the ANC in the 1990s had no intention of establishing a socialist democracy in South Africa, although this rhetoric bound the left to the ANC.³⁸⁶ Thus the acuity of Mandela’s words:

The ANC has never been a political party ... the ANC is a coalition ... Some will support free enterprise, others socialism. Some are conservatives, others liberals. We are united solely by our determination to oppose racial oppression. That is the only thing that unites us.³⁸⁷

A second factor that binds the alliance is the desire by the SACP and COSATU to be as close as possible to the levers of power. Both COSATU and SACP leaders prefer access and influence to opposition and exclusion. Despite the unconsultative nature of the formulation and implementation of GEAR, a raft of new labour legislation was introduced, considerably strengthening the position and protection of workers in the formal economy, in relation to employers. Examples of such legislation include the Employment Equity Act 1998; the Labour Relations Act 1998; the Basic Conditions of Employment Act 2002 and the Skills Development Amendment Act 2008.³⁸⁸

Correspondingly, an advantage of the SACP and COSATU remaining in the alliance is that of their ideas being represented in parliament if members become ANC MPs. As MPs they have the opportunity to engage in the policy formulation process, and focus on a particular sector if one is appointed to a parliamentary committee. This would be

³⁸⁵ Interview with Vuyiswa Sidzumo.

³⁸⁶ Cape Town High Court judge Davis (2003)

³⁸⁷ Nelson Mandela cited in Butler (2005) p 726.

³⁸⁸ <http://www.labour.gov.za//legislation/acts>

beneficial, particularly to SACP members who are MPs, as, according to Cronin, within the alliance itself the SACP tends to be marginalised.³⁸⁹ For Dicks, however, COSATU did not benefit from having its people in parliament. He explains that COSATU nominated strategic people to parliament, without thinking this through and ‘lost out’: “COSATU should not have seconded power to electoral representatives. They blurred the lines between government and civil society and in doing so didn’t understand their role in a democracy.”³⁹⁰

Nonetheless, COSATU and the SACP understand the power of the ANC, and want to stay close to it. Thus, criticisms of the ANC are tempered by qualifications of loyalty to the alliance, and recognition of the ANC’s dominance within it. For example, the then COSATU President Willie Madisha insisted, “the tripartite Alliance is the only one capable of bringing about the transformation our country needs - it’s a principled alliance,” despite prospects of ‘real war’ against the government over restructuring of public companies.³⁹¹ Similarly, in 2001, SACP leader Blade Nzimande asserted its disagreement with GEAR, whilst declaring that breaking the alliance “would be handing our hard-won victory to reactionaries.”³⁹²

A final reason the alliance stays together is that the SACP has neither the support nor the means to constitute an independent party. The SACP has been trying to engage intellectually with the idea of a reformed socialist project since the demise of socialism in the East, and, whatever the outcome, is unlikely to be able to sell it to a significant majority. The influence of the SACP is hardly marked, although a number of its members occupy influential positions in cabinet, government and internal ANC structures. According to Cronin, the SACP would not abandon the alliance, as it would be tantamount to running away from state power, and renouncing the possibilities of it influencing policy, attendant on the SACP remaining in the alliance. The preferred position is to engage with it and use the positions of power which the SACP has, and not “to abandon the ANC to the neo-liberals” which would be the result of withdrawing from the alliance.³⁹³

6.1 COSATU, the SACP and civil society

This section will discuss the nature of the relationship between the alliance partners, COSATU and the SACP, and CSOs. If CSOs exert pressure on the alliance partners, is this likely, in turn, to impact on the ANC or government policies?

For the majority of commentators the relationship between COSATU, the SACP and civil society was generally weak in late 1990s and early 2000s, although some interviewees

³⁸⁹ Cronin (2002) Interview with Helena Sheehan.

³⁹⁰ Interview with Rudi Dicks.

³⁹¹ Southall, R and Daniel J (2005) The State of Party Politics Post-Election 2004 In *State of the Nation: South Africa 2004-2005*. Daniel J., Southall R., and Lutchman, J (eds). Cape Town: HSRC Press, p 45.

³⁹² Cited in Lodge (2002b) p 163.

³⁹³ Cronin (2002) Interview with Helena Sheehan.

pointed to positive aspects of this relationship. There were several reasons given for why the relationship between the alliance partners and civil society was poor. First, it was argued that COSATU and the SACP did not engage effectively with other CSOs. For example, one commentator noted that progressive political parties in other countries, such as the Left Party in Germany, have dedicated offices for engaging social movements. For this commentator it is a sign of poor engagement of civil society that the SACP (or the ANC) does not have this.³⁹⁴

A second concern was that parts of civil society are demoralised, “due to the fact that the SACP is divorced from the masses. They are out of touch. [SACP General Secretary] Nzimande has given the message that it is through capturing the leadership of COSATU that change will come and this is how the SACP tries to reach the masses.”³⁹⁵ However, for this activist using the alliance is insufficient in the struggle against poverty and inequality. Instead, the SACP should be engaging more directly with organisations on the ground. For Ngwane the SACP focuses too much attention on ‘power politics’. COSATU, too, have not always offered sufficient support to social movements. Ngwane describes how the APF was initially based in COSATU House in Braamfontein. Mbeki wrote to COSATU requesting that the APF no longer be accommodated in COSATU House and this request was granted, forcing the APF to move. It is not only social movements that feel COSATU has a weak relationship with civil society. An NGO activist noted that “COSATU are very skeptical and suspicious of NGOs”.³⁹⁶ A similar concern was noted by a dialogue forum respondent, who felt that COSATU was becoming increasingly alienated from non-public-sector affiliates. An example was given of a COSATU leader instructing workers at a factory meeting to follow a particular line, with the result that the vast majority of workers left the meeting. Nonetheless, the COSATU affiliate agreed terms with management that the workers had not supported. CSOs may thus be concerned about their influence over COSATU, if it is not following its own members’ wishes.

A third reason for a weak relationship between the SACP, COSATU and civil society was that some CSOs felt the alliance partners were not sufficiently critical of the ANC, and so could not function as an effective watchdog. For the SACC, “having the largest civil society movement in bed with the governing political party was a serious blow to civil society activism. This is a group that should be leading, thinking and doing research to empower civil society.”³⁹⁷

Lastly, commentators noted that civil society itself shoulders responsibility for a weak relationship with COSATU and the SACP. One interviewee argued that COSATU and the SACP are “not used much by civil society to engage the ANC. I don’t know of instances where

³⁹⁴ Interview with Mazibuko Jara.

³⁹⁵ Interview with Trevor Ngwane.

³⁹⁶ Interview with Fatima Shabodien.

³⁹⁷ Interview with Tinyiko Maluleke.

there has been constructive engagement between civil society and COSATU. NGOs don't really have platforms where they would engage with COSATU and they don't use COSATU and the SACP as leverage."³⁹⁸ Similarly, Patel notes that in the late 1990s COSATU would have one-day strikes, stayaways and marches, but they would not have visible support from a range of CSOs. They would only be supported by 'labour people'. For Patel, "this process unravelled civil society", although it was part of a move towards normalisation. Civil society that had been focused on campaigning moved towards engagement. Patel does note that by 2003/2004 this started changing, as there was more mobilisation in civil society.³⁹⁹

Although commentators noted a generally ineffectual relationship between civil society and COSATU and the SACP, there are many examples of where there has been a strong relationship between all parties. COSATU, in particular, was seen as playing an important role at times in co-ordinating civil society and taking a leading role on significant issues.⁴⁰⁰ Indeed, Gentle argues that when looking at the question of a "new vision of an alternative South Africa" most of the development in this area was in COSATU. COSATU opened space for this debate.⁴⁰¹ Historically too, Shabodine notes that there had been a very close relationship between the worker movement, often in the form of COSATU, and civil society.⁴⁰² Thus, for some, "there is an open but reinforcing relationship that civil society organisations can build with COSATU."⁴⁰³ The Basic Income Grant campaign is one example of where COSATU worked with CSOs to stimulate an important debate on social welfare in South Africa.⁴⁰⁴

A final, and significant, argument relating to civil society's relationship with alliance partners is whether COSATU has dominated civil society space. An ex-SANGOCO director noted that COSATU had been very difficult to work with and that the SACP was untrustworthy. For Dithlake, "COSATU had colonised civil society space", although he clarified that this was not necessarily a bad thing. Other commentators agreed that in the Mbeki era most of the power in civil society lay with COSATU.⁴⁰⁵ Not all agree with this view. More recently, dialogue forum respondents argued that COSATU in practice opens space for CSOs to engage with government and the ANC. COSATU has the potential to be a "progressive and integrative force" for parts of civil society.

As with the relations between the alliance partners and the ANC, the relations between civil society actors and the alliance partners are fluid and complex. There are several areas of weakness, as noted earlier; however, there are also areas of strength. CSOs could be

³⁹⁸ Interview with civil society practitioner.

³⁹⁹ Interview with Saliem Patel.

⁴⁰⁰ Interview with Saliem Patel.

⁴⁰¹ Interview with Leonard Gentle.

⁴⁰² Interview with Fatima Shabodien.

⁴⁰³ Interview with Mazibuko Jara.

⁴⁰⁴

⁴⁰⁵ Interview with Janine Hicks. Interview with Imraan Buccus.

strengthened if they utilised more fully the potential offered by COSATU and the SACP in influencing the ANC.

Section 7 has looked at the changing dynamics within the alliance and between the SACP, COSATU and civil society. As noted, the alliance is a complex and fluid partnership, embedded with different ideologies, aims, strengths and weaknesses. Thus the relationship between the alliance partners COSATU and the SACP and CSOs is also variable and complex.

7. LOOKING IN: CIVIL SOCIETY STRENGTHS AND CHALLENGES

7.1 Civil society: 1997-2007

This section addresses what happened within the civil society sector during the Mbeki era. Why return to an analysis of this period? Many respondents have suggested that CSOs may be experiencing another 1994 ‘moment’, with an opening up of the ANC to CSOs. How did they respond previously, and what lessons can be learned? Did civil society strengthen or weaken during these years? Although the general consensus amongst interviewees was that civil society during Mbeki’s era weakened, there are also numerous examples of instances where CSOs have demonstrated strength in defending and promoting their interests and in influencing the ANC. This section will first look at areas where strength was demonstrated, and analyse these examples, and then address a range of explanations for why civil society weakened in the late 1990s and 2000s.

7.1.1 Elements of strength

First, in terms of size and scope, claims in the late 1990s that the civil society sector had collapsed or shrunk have proved unfounded. As discussed in the introduction, a study of civil society involvement in post-apartheid South Africa published in 2001 shows that close to 60 per cent of the South African population were actively involved in at least one CSO (albeit the majority were churches).⁴⁰⁶ The 2002 Johns Hopkins Comparative Non-profit Sector project concluded that South Africa’s non-profit sector was very active and fairly large, estimating that there are nearly 99 000 non-profit organisations in South Africa.⁴⁰⁷ Habib, too, believes that, “in size civil society has grown over the last 15 to 20 years”.⁴⁰⁸ For one commentator:

Civil society was, and still is, strong and healthy. Broadly, it responds with great vigour to a range of issues. There is continuous contestation against unpopular policy, such as lack of policy

⁴⁰⁶ Klandermans, Bert, Roefs, Marlene, and Olivier, Johan. (2001) *The State of the People: Citizens, Civil Society and Governance in South Africa, 1994-2000*, p133

⁴⁰⁷ Swilling, Mark, and Russell, Bev. (2002) *The Size and Scope of the Non-profit Sector in South Africa*. Johannesburg: Graduate School of Public and Development Management, University of the Witwatersrand. This estimate includes traditional CSOs and co-operatives, stokvels, burial societies, religious organisations and political parties.

⁴⁰⁸ Interview with Adam Habib.

implementation, where for example, residents' associations are very active. There are numerous protests against issues such as privatisation, Zimbabwe, xenophobia and Israel's occupation of, and attacks on, Gaza.⁴⁰⁹

Alongside its strength in numbers, the discussion above provides numerous examples of CSOs positively influencing government policy and the ANC. What were the strong points in civil society that allowed it to achieve some of its objectives? First, notwithstanding the concerns raised in the previous section, CSOs were able, at different points in time, to build effective partnerships. Two commentators describe how Muslim-led CSOs partnered effectively to influence the ANC's stance on America's anti-terrorism campaign. Here Muslim groups, including professional groups, such as doctors' organisations would link together and get influential people in the ANC, such as Essop Pahad, to speak to them.⁴¹⁰ Other organisations, such as the TAC, developed partnerships with institutions such as COSATU, who stood with it on the issue of mother-to-child transmission of AIDS.⁴¹¹ Organisations such as the APF also initially linked a wide range of different left-based activists and community organisations. A range of CSOs also came together to support the People's Budget Campaign and the Basic Income Grant Campaign, which, although they did not achieve their goals did lead to a significant increase in social grants.

Second, some CSOs started to use a wider range of effective strategies than they had employed during the transition. On the one hand, the rise of social movements at the end of the 1990s spurred a re-awakening of popular forms of engagement. These forms of engagement, including mass meetings, strikes, marches and protests, have been increasing year on year for nearly a decade. For example, government records show that in 2004/2005 there were 5800 nationwide protests; in 2005/6 this had nearly doubled to 10 763.⁴¹² For Habib, "What is fascinating is that the organisations that were most influential post 2001/2 were not the organisations that were participating through state structures but the organisations that were outside; those involved in contentious politics."⁴¹³ On the other hand, as described in Section 6.2, organisations also started to use the Constitution and the courts in their strategic arsenal. In 2001 the TAC approached the Pretoria High Court in litigation against the then minister of health, and ultimately used the Constitution to demand increased protection of socio-economic rights. This use of multiple strategies across, and by, individual organisations, had a significant impact on influencing the ANC.

Third, there were a handful of motivational 'moments' that spurred on civil society, as well as examples of successful organisations that provided inspiration and strength to the

⁴⁰⁹ Interview with Janet Cherry.

⁴¹⁰ Interview with Imraan Buccus. Interview with Janine Hicks.

⁴¹¹ Ranchod, Kirty. (2007) p 19.

⁴¹² Duncan, Jane. (2007) Reply to parliamentary question on protest action in debate [online]. Available from debate-bounces@lists.kabissa.org. 26 November. (Accessed 26 November 2007). Many of these protests are not organised by established CSOs or social movements.

⁴¹³ Interview with Adam Habib.

sector. Protests at the United Nations World Conference against Racism, the march by civil society at the WSSD and the poverty hearing ‘were all big moments for civil society’. They solidified, and to some extent united, the rise of independent movements.⁴¹⁴ The strength and effectiveness of movements such as TAC and at times, COSATU, have also been motivational to other CSOs. Dithlake notes that “the TAC is a good example of an activist organisation”, although he cautions that civil society is unlikely to see “this kind of activism in the NGO sector again for a long time”.⁴¹⁵ Patel agrees that TAC was very important for the civil society sector because it provided an effective example of what could be done.⁴¹⁶ The work of COSATU too, was seen by some as strengthening civil society: “COSATU has been a kind of lone voice that ensures that civil society continues to survive.”⁴¹⁷ Dithlake agrees that, broadly speaking, labor has been a strong component of civil society, and has got stronger over time, primarily through COSATU. COSATU ensures the labour movement is well organised and there have been improved conditions of employment which sustains the labour movement.⁴¹⁸

7.1.2 Weakening of civil society

Many of the issues that led to the weakening of civil society during the transition continued into Mbeki’s tenure. As discussed in the previous section, civil society during the transition faced a series of constraints. These included: deteriorating capacity in the form of loss of skilled leadership; funding concerns; a loss of autonomy; demobilisation of mass support, and a fracturing of the sector as a whole.

In terms of waning capacity, leadership constraints and funding concerns, these debilitating factors continued well into Mbeki’s era. As community activists in Durban noted, they ‘lost some of their good leadership’ to Mbeki’s government. One activist observed how a community leader in Bayview, who had previously organised and mobilised the community, started working for the municipality. Her organisation has felt this loss, noting that “working for the big leadership and moving one step further to government takes away at least half of your voice.”⁴¹⁹ It is not only to government that activist leaders move; one respondent explained that “leaders can be co-opted by the private sector.”⁴²⁰ For the activists interviewed in Durban there was a view that leaders of movements are often deliberately lured into government or business in order to “create a vacuum in civil society organisations” and weaken movements.⁴²¹

⁴¹⁴ Interview with Mercia Andrews. Focus group with community activists.

⁴¹⁵ Interview with Abie Dithlake.

⁴¹⁶ Interview with Saliem Patel.

⁴¹⁷ Interview with Saliem Patel.

⁴¹⁸ Interview with Abie Dithlake.

⁴¹⁹ Focus group with community activists. Centre for Civil Society, Durban. 22 June 2009.

⁴²⁰ Focus group with community activists.

⁴²¹ Focus group with community activists.

With regard to funding, an NGO director explained that “resources available to civil society have taken a dip.” IDASA Director Graham further explains that the desire for donors to have government involvement in their work led to a ‘collapsing’ of smaller civil society groups as many organisations could not demonstrate a direct link with government. He further explains, however, that collapse of smaller CSOs was also due to non-payment by government: “small organisations would suffer because they would do government work, get a contract but then not get paid on time. There were welfare, youth and gender groups who all suffered.”⁴²²

When looking at loss of autonomy after the transition, this became more pronounced in the form of a ‘move from advocacy to delivery’. For IDASA Director Graham, organisations saw “their role as doing the job of the state.”⁴²³ By 2002 Friedman had noted that CSOs were becoming “delivery intermediaries between the framers of social policy and those for whom it is intended”.⁴²⁴ For other commentators, during Mbeki’s tenure “organised advocacy civil society was weak.” There were delivery NGOs that took up a lot of civil society space but they “were just filling the cracks left by the state”.⁴²⁵

There are several reasons for the move from advocacy to delivery by parts of civil society, many of these similar to those discussed in Section 5.4. Some organisations felt that, with the ANC in power, they were now on the inside and did not need to maintain a critical voice. In some cases organisations believed a lot could be achieved by working with government departments. The Eastern Cape NGO Council (ECNGOC), for example, accepted over R2 million rand from the premier of the Eastern Cape’s Poverty Alleviation Fund, to distribute to CSOs. Although they had good intentions in this venture it caused them serious problems as they had no capacity to act as a funder, and their independence from government was lost.⁴²⁶ Other organisations may have lost their advocacy focus because “they didn’t want to rock the boat”.⁴²⁷ They may have felt that “staying below the radar” meant that “Mbeki would not be able to sabotage the work they were doing”.⁴²⁸

Loss of mobilisation is a further important constraint that began during the transition and continued into the Mbeki era. Many commentators noted that civil society “lost connection with their mass base” and were no longer “linked in to what was happening on the ground.” For labour specialist Patel, there was a weakening within civil society because unions lost touch with their constituencies. Unions no longer felt they had to fight the state

⁴²² Interview with Paul Graham.

⁴²³ Interview with Paul Graham.

⁴²⁴ Friedman, S. (2002) Golden Dawn or White Flag? The State, Civil Society and Social Policy, CPS, September 2002. p. 14.

⁴²⁵ Interview with Imraan Buccus. Interview with Janine Hicks.

⁴²⁶ Interview with Russell Ally.

⁴²⁷ Interview with civil society practitioner.

⁴²⁸ Interview with civil society practitioner.

and their energy went into developing policies rather than organising their mass base.⁴²⁹ Russell Ally explains further that

For the first decade of democracy civil society was preoccupied with forms of democracy. Within the context of Mbeki's centralized planning civil society focused on issues of policy and frameworks, including developing legislation, the Constitutional Court, housing policy, local government, etc. Civil society wanted to get the right people in place and focused on capacity building. What they did not realise is that society changes. While civil society was preoccupied with getting systems right, the content within the systems was shifting. Organisations lost touch with what was happening on the ground and how society was changing.⁴³⁰

For Ally, the focus of civil society was centred first on the state and government and then only towards society. Jara agrees that NGOs lost touch with their base and "forgot to focus on mobilisation".⁴³¹ In a similar vein Fakir notes that "there is a missing relationship between grassroots organisations and professional organisations." This can have a detrimental impact on policy making because "the world view of the masses is different from that of think tanks and welfare organisations."⁴³² What is further troubling about this disconnection between formal CSOs and a mass base is that "there is a large underclass that fall outside of everything".⁴³³ For Ally, this underclass "have nothing and have been marginalised; they are beyond COSATU and beyond social movements".⁴³⁴ Indeed, for Ditlhake, social movements such as the Landless People's Movement (LPM) and the APF are "largely led by intellectuals who were not rooted in the conditions of people. Social movements as a whole are not rooted and dependent on communities. They are led from without by white intellectuals with some black support and leadership. In reality they are NGOs rather than real social movements."⁴³⁵ A subsequent section of the report will address the implications of this argument in the current period, and explore the link between civil society, the 'underclass' and social protest.

Although a disconnection between CSOs and their mass base has weakened the sector, it is not always the fault of the organisations themselves that they are poorly mobilised. For Sachs, civil society is weak because the state is weak. Where service delivery is poor people cannot organise or protest because they are too busy trying to "eke out a living".⁴³⁶ On the other hand, where there are organisations. trying to mobilise the communities may be divided. Durban activists describe how:

⁴²⁹ Interview with Saliem Patel.

⁴³⁰ Interview with Russell Ally.

⁴³¹ Interview with Mazibuko Jara.

⁴³² Interview with Ebrahim Fakir.

⁴³³ Interview with Russell Ally.

⁴³⁴ Ibid.

⁴³⁵ Interview with Abie Ditlhake.

⁴³⁶ Interview with Michael Sachs.

Sometimes we find that we have problems amongst ourselves. For example, if you are planning a campaign on free water some people in the community who are not working and cannot afford water may believe that water should be free as it belongs to everyone as it comes from the creator. Those people in the community who are working may feel differently. Those people who are working in the water department would want to pay and they can see that the municipality has worked in giving us water. So it's hard to unify the communities on certain issues. There is often a problem unifying workers and unemployed.

A further weakness in civil society during Mbeki's tenure again builds on problems that arose during the transition: a fracturing of the sector. As noted earlier, fracturing anti-apartheid civil society could be seen in a positive light where civil society was able to embrace its innate plurality with room for complex layers of difference and compliance with the state and between civil society groups to emerge. However, a negative consequence of the fracturing of civil society occurs where organisations become self-interested and lose focus on a common social project. As one commentator explained, "where people within civil society fragment their energies nothing gets done."⁴³⁷

One part of civil society that has faced particular challenges in forming a united front are organisations of the 'left'; these include social movements and other left-leaning NGOs, and the SACP. With reference to social movements Ngwane explains how, after their initial achievements in the early 2000s

Fame and success went to the head of some leaders. They thought they were the centre of the political universe and had delusions of political grandeur. Civil society faced the problem of 'isolated refugee camps' where there were civil society organizations that were not happy with the union movement or with the ANC. For example, the APF had lots of debate about which May Day rally to attend or whether to have their own rally. They didn't want to attend the workers' rally because this was jointly organized with the department of labour.

Ngwane explains further how there have been strategic battles in the left and between social movements.

Disagreements in the left are often based on different ideological viewpoints. Study groups from the apartheid era are led by the same people who lead social movements now. Bickering in the left is an expression of the politics of individual leaders. People use their different 'brands' of left ideology to drive other people out of the way. For example, they will call someone opportunist if they take a certain position. 'Opportunism' is a political strategy to undermine a person. It is important that a united front starts to stay together even if we disagree behind the scenes.

Although Ngwane describes a fragmented social movement sector, he does note that different personal ideologies do not always have to be divisive: "The APF for example, is a united front with leaders who hold different views. The APF has to be ultra democratic in the way it operates and in the way it deals with disagreement." Overall, however, for

⁴³⁷ Interview with Sheila Meintjes.

Ngwane there is a demoralisation of the left, “because they have lost confidence in the power of the working class”. This is demonstrated by the fact that “instead of organising workers the left organized for Zuma to take over”. This demoralisation is fuelled by several issues: first the collapse of socialism in 1989, leaving a post-modernism amongst the left after 1989, and second, because “the left [in the form of the SACP] is divorced from the masses.”⁴³⁸ Other activists agree with Ngwane, explain that after the successes of the WSSD march the ‘independent movement’ has been “chaotic, self-destructive, problematic and infiltrated”.⁴³⁹ Activists continued that “there is a problem with civil society and social movements really uniting so that there can be a strong force against government.”⁴⁴⁰

Moving beyond the left, commentators have noted that there is extensive competition between NGOs for funding and skills, which can be detrimental to a cohesive civil society agenda. Alongside this, there “is also a weak relationship between grassroots and professional organisations”.⁴⁴¹ During Mbeki’s tenure of the ANC there was also the breakdown of many civil society networks. Those networks that stopped functioning efficiently include SANGOCO, SANCO and the National Land Committee (NLC).⁴⁴² Although plurality is a strength of civil society’s it can be harmful to the interests of those people organisations are meant to represent when they do not work collaboratively, where there are shared interests. As a CPS study explained, “the decision by civic organisations to work together on issues surrounding a developmental state could be the turning point in the struggle for social justice and should be taken seriously”.⁴⁴³

7.2 CSOs post-Polokwane

Polokwane may have been a significant juncture for the ANC, but it did not have the same impact on the internal workings of civil society. When discussing the strengths and weaknesses of CSOs post-Polokwane, there is more continuity than change between the Mbeki and the Zuma eras. Commentators were, however, less certain about the weakening of civil society, with several commentators noting that “things are slowly improving in civil society” and that “civil society is now in a stronger position post-Polokwane.”⁴⁴⁴ This section will first addresses the key strengths and potential ‘revival’ of civil society and then turn to challenges facing it, both those that have continued from the Mbeki era and new concerns.

⁴³⁸ Interview with Trevor Ngwane.

⁴³⁹ Focus group with community activists.

⁴⁴⁰ Ibid.

⁴⁴¹ Interview with Ebrahim Fakir.

⁴⁴³ Ranchod, K. (2007) *State-Civil Society Relations in South Africa: Some lessons from Engagement in Policy: Issues and Actors*, vol.20, Johannesburg: Centre for Policy Studies.

⁴⁴⁴ Interview with Saliem Patel. Interview with Rudi Dicks. Interview with Adam Habib.

7.2.1 *Civil society organisations' strengths*

Although some commentators are of the view that “civil society is in a stronger position now”⁴⁴⁵, in general few respondents noted the strengths of civil society in the post-Polokwane era. This may be because insufficient time has passed to see strengths emerging, or because civil society is in flux and there are few clear strengths emerging. Those strengths that were noted included the fact that some social movements are growing. Abahlali basemdjolo in Durban, for example, has membership numbers that are increasing.⁴⁴⁶ Others explained that organisations in the rural sector are strengthening, such as the farmworker’s movement Sikhula Sonke. The environmental sector too, is “a radicalising progressive movement” and “there are interesting developments happening with immigrant refugee groups.”⁴⁴⁷

Other positive changes noted by respondents were that CSOs were “re-mobilising”, “getting their house in order”, “organising” and “being recognised”.⁴⁴⁸ These comments indicate self-evaluation and reactivation occurring within civil society. Interviewees also point to ‘lessons learnt’ by civil society: “civil society is smarter now about engaging with the state”.⁴⁴⁹ For Adam Habib, leadership figures in civil society have “learnt lessons from previous years”. However, Habib also explains that civil society is in a stronger position because of external factors: “the state is more responsive ... because of the crisis within the ANC, because of what had happened to Thabo Mbeki, and because of the global economic climate that is beginning to force them to become much more responsive.” He concludes with the caution that, “although civil society is in a much more positive space, it is a space that they should not be complacent about because it is not a guaranteed space: the fact that this is the space that they are in now does not mean that they will be in the same space in 2011/2012.”⁴⁵⁰

7.2.2 *CSOs' challenges*

A key challenge, mentioned by many respondents, that was still facing civil society was that of ‘disconnection’ or ‘working in silos’. To some extent this disconnection follows on from the concerns raised in a previous section: problems in organisations forming a united front and a ‘lack of connection with what is happening on the ground’. In terms of the former concern, it is again important to highlight civil society’s innate plurality and the value thereof. However, the challenge here is that organisations which have shared values, or a common end-goal or objective, are not effectively working together. Hence activists explained that civil society is weak and its approach is fragmented, and that this

⁴⁴⁵ Interview with Adam Habib. Interview with Saliem Patel.

⁴⁴⁶ Interview with Abahlali baseMjondolo.

⁴⁴⁷ Interview with Mercia Andrews. Interview with Paul Graham.

⁴⁴⁸ Interview with Saliem Patel. Interview with Rudi Dicks. Interview with Mazibuko Jara.

⁴⁴⁹ Interview with Imraan Buccus. Interview with Janine Hicks.

⁴⁵⁰ Interview with Adam Habib.

fragmentation has continued into a post-Polokwane era.⁴⁵¹ More specific comments included: “social movements have a problem, we are not really doing well to unite”⁴⁵²; “there is a separation of think-tanks and other groups leading to a lack of cross-pollination of ideas”⁴⁵³ and that “progressive civil society, on the left, is locked in silos, with no conscious effort to build a common campaign.”⁴⁵⁴ A 2008 report on a civil society forum held by the European Commission to discuss the Millennium Development Goals clarified that civil society itself feels that civil society organisations

... do not partner or complement each other. They tend to work in isolation and/or in competition for scarce resources. In some cases donors are funding several organisations doing exactly the same work. There should be a strategy for facilitating partnering and developing collective programmes.⁴⁵⁵

The recognition of civil society’s fragmentation does not only come from within. One business leader explained that “civil society is very disorganised” and so that “from a business perspective there is a clear recognition that we have to engage with different sectors of civil society but we don’t know who to engage with.”⁴⁵⁶ An official from the presidency, too, noted that his office would like to interact more with civil society but have no clear point of contact in different sectors. Networks are weak or non-existent and so there is no obvious starting point.⁴⁵⁷

A related and equally challenging concern is that organised civil society is still failing to connect sufficiently with what is ‘happening on the ground’. From this perspective civil society is disconnected from the ‘underclass’. Work by Seekings and Natrass have described how there is an economically distinct underclass in South Africa “defined in terms of especially acute disadvantage in the labour market”.⁴⁵⁸ For Seekings, households where no one is employed constitute an underclass separate from other working classes.⁴⁵⁹ This

⁴⁵¹ Interview with Mark Heywood. Interview with human rights activist. Interview with Mercia Andrews. Interview with Mazibuko Jara.

⁴⁵² Focus group with community activists.

⁴⁵³ Interview with Mercia Andrews.

⁴⁵⁴ Interview with Mazibuko Jara.

⁴⁵⁵ Comments made by civil society in *Report on the European Commission - Civil Society Forum on the Millennium Development Goals*, 15 October 2008, Pretoria, South Africa. Accessed at: http://www.eusa.org.za/en/PDFdownload/Events/CSF_EC_Report_on_MDGs.pdf on 2 October 2009.

⁴⁵⁶ Interview with a director of corporate affairs. Johannesburg, 30 July 2009.

⁴⁵⁷ Communication with a director in the presidency. Pretoria, August 2009.

⁴⁵⁸ Seekings, Jeremy and Natrass, Nicoli. (2005) *Class, Race and Inequality in South Africa*. New Haven and London: Yale University Press, p 271.

⁴⁵⁹ Seekings, Jeremy. (2003) Do South Africa’s Unemployed Constitute a Working Class? CSSR Working Paper 32. For a critique of Seekings see: Ceruti, Claire. (undated). Are Workless Families an Underclass: A Marxist critique of Seekings and a search for more adequate measures of class in South Africa. Accessed at: <http://www.uj.ac.za/Portals/159/docs/personnel%20papers/Ceruti%20Underclass.pdf>. [Accessed 10 October 2009].

underclass “have nothing” and “have been marginalised”. They are “beyond COSATU and beyond social movements”.⁴⁶⁰

This disconnection between civil society and the underclass was also a concern during the Mbeki era. However, it has resurfaced and been exemplified by the wave of protests sweeping the country after the 2009 elections.⁴⁶¹ At a recent Global Governance Learning Network⁴⁶² round table some participants noted that formal CSOs understood too little about what was happening in communities to drive this increase in protests, and that established CSOs were seldom the organising forces behind the community protests. Although, one speaker explained, based on research by the University of Johannesburg’s Centre for Sociological Research, there were organisations such as crisis committees or concerned residents groups facilitating the protests, they tended to be small and sporadically formed and not linked to any project or organisation beyond their community.⁴⁶³ For Ally, “Civil society is not linked into the recent protests ... it is not really linked into what is happening on the ground. Civil society tends to function best where the rules of the game are understood.”⁴⁶⁴ The concern here is that established CSOs are not capacitating and linking with local community groups. Fakir explains that this means “in the current protests there is no channeling of ideas, they are not structured and have no resources or broader conceptual linkages.”⁴⁶⁵

Gentle explains that the underclass is the bedrock of an unofficial movement:

They are part of thousands of protests but do not link in a connected movement. There are attempts to unify this group but they are a long way from anything that is unified. They are outside the mainstream. Protests show there is an underclass but there is no ideological coherence. There were attempts to form a common position by the Social Movement Indaba but there is no coherent uniting issue. There is also a range of views behind this idea of unity including black consciousness, Marxism etc. but so far nothing is dominant. The question is to find the issue that is driving the underclass. Is it service delivery? The problems with the underclass are not really about unemployment. There are no quick fixes. In the short term looking at unemployment may help but it is not a unifying issue, because there is no sense, by the underclass, that long term employment will ever happen.

There are therefore, some examples of where more formal civil society has tried to link to the protests and engage with the underclass. However, Gentle concludes that “Incidences of civil society unrest have not found expression through known forms of organizations, such as social movements. In this sense civil society is weak. But the incidences of civil society

⁴⁶⁰ Interview with Russell Ally.

⁴⁶¹ From May 2009 a large number of protests occurred in all parts of South Africa. Protests centred on a range of concerns, including service delivery problems, labour conditions, and wage negotiation strikes.

⁴⁶² The GGLN is a network of 14 CSOs working in the field of local governance.

⁴⁶³ Luke Sinwell. The Centre for Sociological Research

⁴⁶⁴ Interview with Russell Ally.

⁴⁶⁵ Interview with Ibrahim Fakir.

unrest will expand, even if they do not necessarily translate into formal civil society organization. It is a movement that needs to turn itself into a movement.”⁴⁶⁶

For Ally, the reason CSOs have not effectively engaged with or mobilised this class. is because civil society has failed to recognise changes in society and the development of urban centres. Civil society has been preoccupied with getting systems right, without sufficiently recognising that the content within the systems was changing. Thus

What is happening on the ground is creating different categories of citizens. There is one type of citizen who feel the systems work and matter. This is the settled community, who pay rates and taxes, have formalized housing, are a revenue base, and are interested in a level of accountability of elected and appointed officials. There is a second type of citizen, for whom systems and frameworks have no value or significance. They live with little infrastructure and little revenue. The potential for corruption and patronage in this area, where communities are informal and disorganized and where people are desperate, is great. Civil society and government are pre-occupied with form and systems and miss this second category of citizen.⁴⁶⁷

A further concern regarding the fragmentation of civil society is that larger CSOs and NGOs are failing to work effectively with CBOs. CBOs are usually non-profit organisations that provide social services at the local level and depend heavily on volunteers.⁴⁶⁸ Some CBOs can also be seen as survivalist organisations, where, “they are just a survival mechanism, filling the gaps where services don’t exist”.⁴⁶⁹ Others disagree, arguing that they “are a very important part of civil society. They are called survivalist only because they don’t get funding, otherwise they are just the same as other civil society organisations”.⁴⁷⁰ CBOs can play a wide-ranging role, where some engage actively with the government and others function in the private sphere, beyond the state. Regardless of their role there is some consensus that CBOs are not effectively linked to larger CSOs. Ranchod argues that “The strategic importance of CBOs tends to be overlooked by government, larger NGOs and donors, and this needs to be corrected ... They need to be drawn into larger networks of NGOs and CBOs so that they may learn from other community’s problems, and through such networking, amplify the voice of their constituents on policy and other issues that may affect them.”⁴⁷¹

A related point is that civil society has insufficiently utilised local government structures in representing their members’ needs. Dicks explains that government

⁴⁶⁶ Interview with Leonard Gentle.

⁴⁶⁷ Interview with Russell Ally.

⁴⁶⁸ Chechetto-Salles, Marta and Geyer, Yvette (2006) *Community Based Organisation Management: a handbook series for community-based organisations*. Pretoria:IDASA.
<http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=1701>.

⁴⁶⁹ Interview with Mercia Andrews.

⁴⁷⁰ Interview with Russell Ally.

⁴⁷¹ Ranchod, Kirty. (2007) p 21

frameworks are explicit about the need to consult civil society at a local level, but these frameworks are “never effectively used by civil society”.⁴⁷² Ally adds that the focus for civil society can no longer solely be on national policy, but rather there is a recognition that at the local level there is a need to mobilise.⁴⁷³

Another concern about civil society post-Polokwane that was raised by respondents, was that of poor strategic and political vision. On the first count, Friedman notes that “civil society strategy is one of their key weaknesses. Civil society organisations were more strategically savvy in 1999 than they are now.”⁴⁷⁴ Other commentators explain that organisations have not sufficiently used a broad range of strategies in their advocacy work. They “have not linked the world of ideas and action”.⁴⁷⁵ Similarly, others have noted civil society’s weakness in utilising South Africa’s constitutional democracy; that is in using the courts, particularly the constitutional court, and other avenues for litigation.⁴⁷⁶ A related concern is that some organisations may be too radical in their advocacy strategies, and so alienate government.⁴⁷⁷ This runs the risk of necessary voices not being listened to by decision makers.

In terms of political vision, respondents raised a series of connected issues. For example Jara is concerned that organisations have lost the tools of political analysis and that there is “no notion of alliance building for political programmes”. For Jara “civil society needs a long-term strategy to build self agency.”⁴⁷⁸ In a similar vein, at a recent GGLN roundtable Ngwane explained that political power is not adequately addressed by CSOs and that ultimately parts of the sector that share similar goals need to build a coherent political programme.⁴⁷⁹ Heywood, too, noted that parts of civil society “lack theoretical coherence”.⁴⁸⁰ One reason that CSOs may not be forming coherent political projects is because organisations are ‘demoralised’. Ngwane explains that social movements formed a coalition, called the Socialist Green Coalition to contest the 2009 national elections. The coalition did not register because the deposit to contest as a political party was too high and it would be forfeited if they did not win a seat. Members of the coalition realised “people were not prepared to vote, let alone campaign.” For Ngwane, “the left was so demoralized it never took a strong position on the elections.”⁴⁸¹

⁴⁷² Interview with Rudi Dicks.

⁴⁷³ Interview with Russell Ally.

⁴⁷⁴ Interview with Steven Friedman.

⁴⁷⁵ Interview with Mercia Andrews.

⁴⁷⁶ Interview with Mark Heywood. Interview with Imraan Buccus. Interview with Janine Hicks. Interview with Steven Friedman.

⁴⁷⁷ Interview with Ben Cousins.

⁴⁷⁸ Interview with Mazibuko Jara.

⁴⁷⁹ GGLN Round Table, 7 October 2009. Sunnyside Park Hotel, Johannesburg.

⁴⁸⁰ Interview with Mark Heywood.

⁴⁸¹ Interview with Trevor Ngwane.

Finally, in terms of challenges facing civil society, respondents referred again to the ongoing issues that have vexed civil society since the transition: a loss of capacity and a loss of funding. In terms of capacity, Friedman notes, that “with the Zuma ANC some in the left are concerned that there may be an exodus of civil society leaders into government similar to what happened after 1994.”⁴⁸² Certainly leaders such as Jeremy Cronin and Blade Nzimande from the SACP, and Neil Coleman and Ebrahim Patel from the trade union movements, have gone into government, yet it is too early to judge whether this is harmful or helpful for civil society. In terms of funding, there is perhaps a more urgent crisis. Shabodine explains that “resources available to civil society have taken a dip. There is a crisis coming down regarding funding. When current NGO funding contracts run out there will be problems.”⁴⁸³ This concern relates to the global economic recession and the impact this will have on donor funding. Certainly civil society resources such as Sangonet are providing information to NGOs and CBOs on topics such as ‘NGOs Pare Down in Face of Financial Crisis’ and ‘Small NGOs bear the brunt of economic melt down.’⁴⁸⁴ Whether civil society can withstand the loss of economic support will be a question for the future.

8. BUSINESS

Definitions of civil society exclude the business sectors more often than they include it. Some theoretical debates argue that business has fundamentally opposing interests to those of CSOs, the former being for profit, the latter being not-for-profit. They therefore cannot occupy the same conceptual space. However, we are including a brief investigation of the relationship between the business sector and the ANC pre-and-post-Polokwane, for the following reasons: first, because there exists a pervasive assumption that ‘big business’ exerted considerable influence over the demise of apartheid and the forging of an ‘elite pact’ between the ANC and business in the run-up to 1994 and beyond. Members of the CPS project team argued around this issue long and hard, and we discussed it with numerous respondents. Noting the original absence of a discussion of business, a respondent in the Cape Town dialogue forum referred to “the elephant of the room”, as a reference to business which, at that point, had not been discussed. Second, because business interests are aggregated through a large variety of representative institutions, from chambers of commerce to large organisations such as Business Union of South Africa (BUSA), and these too are believed to have the ear of the ANC and to be able to influence economic policy. Third, because some commentators believed that in fact the biggest beneficiaries of the Mbeki policy era were the black bourgeoisie and that the creation of a patriotic bourgeoisie was a project close to Mbeki’s heart, which he personally championed.⁴⁸⁵ This has been raised previously in the report. Fourth, because business is an interest group, as are CSOs.

⁴⁸² Interview with Steven Friedman.

⁴⁸³ Interview with Fatima Shabodine.

⁴⁸⁴ See sangonet: <http://www.ngopulse.org/blogs/ngos-and-global-financial-crisis>. [Accessed 12 October 2009]

⁴⁸⁵ Interview with Janet Cherry.

We do not intend to deliver either a detailed account of relations between business and the ANC, or to analyse each economic policy initiative in detail. Rather, our purpose is to identify selected highlights of the interaction between these two parties in order to illustrate the overall nature of the relationships between them.

Just as CSOS and the ANC have an interactive impact on one another, so too do business and the ANC. Yet, contrary to popular public opinion that business is highly influential in ANC economic policy making,⁴⁸⁶ research reveals that it has less direct impact on economic policy than is commonly believed. The major influences on ANC economic policy since 1994 have been systemic, and structural factors such as the dynamics of globalisation, the state of the South African economy, and the political experience of the ANC. Initially, white English and Afrikaner business was largely handicapped by its racial profile and ANC suspicion, while the ANC occupied the moral high ground. The main influences on economic policy are indirect, and it appears that business increasingly began to lose influence after it backed Cyril Ramaphosa for deputy president over Thabo Mbeki in 1994. The first major indirect influence has been the global policy consensus around the neo-liberal reform agenda; the second, 'indirect' signals emanating from 'the market', for example, the value of the ZAR and levels of investor and business confidence.⁴⁸⁷ There is a third, counter-intuitive understanding of the relationship between the ANC and business, and that is that the ANC has led with many of its own policies which sometimes have a coincidental positive impact on business, and at other times frustrate certain sectors of business, such as SMMEs, but advance the interests of big business, such as labour-friendly legislation. In other instances, business initiatives such as Black Economic Empowerment have been adopted and developed by the ANC. Fourth, business and the amorphous 'market' responded to political shifts, such as the scare that Nelson Mandela was dying, the appointment of a 'black' Minister of Finance in Trevor Manuel, concerns about the future stability of an ANC government, and the ability of black people to govern.

It is important to note that 'business' is not homogenous nor monolithic, and that like civil society, it is highly differentiated and plural. It is divided between different sectors of the economy, eg mining and industrial, manufacturing, agricultural, and so on. It is also divided in terms of size, from large corporations to SMMEs. In 1994, it was also starkly divided between white Afrikaner and English capital, and black capital. When speaking of business influence on ANC policy, what is most often referred to is the impact of large, white, English-owned corporations. However, this research reveals that blacks who complained of the slow pace of black economic empowerment (BEE) also had considerable influence on ANC policy, and that the negative response of white capital to these policies often resulted in their retreat. Another example is that labour-friendly legislation imposes

⁴⁸⁶ Interview with Anthony Butler.

⁴⁸⁷ Handley, Antoinette. 2005. Business, government and economic policymaking in the new South Africa, 1990-2000, *Journal of Modern African Studies*, 43,2 (2005), pp 211-239. Cambridge: Cambridge University Press.

constraints on economic growth and suffocates small businesses because of excessive bureaucratic and financial requirements, such as those contained in the Skills Development Act. This, in turn, they argue, has led to the shedding of permanent jobs and the increasing informalisation of labour.

There are two major economic policies that illustrate the relationship between business and the ANC, namely, the macro-economic policy of GEAR, and the policy of BEE, subsequently extended to Broad-based BEE. It is these two policies that this section will briefly engage with, GEAR, as defined previously, and BEE, which has a myriad of definitions and characteristics attributed to it. For the purposes of this discussion we shall use Southall's: "the increase of black ownership, control and management of state, parastatal and private economic activity in the formal sector".⁴⁸⁸

Unlike the sections of the report dealing with the ANC and CSOs, this section adopts a slightly different approach. Whereas the lines between the ANC and CSOs are, mostly, identifiable, this is not always so with the relationships between the ANC and business. Particularly in the case of black business emerging from BEE deals, a tightly intertwined nexus develops, where it becomes difficult to disentangle the interests and/or the players from the ANC and business.

8.1 The ANC and big business pre-and Post Polokwane

According to political analyst Adam Habib, prior to Polokwane there were sections of the business community that were hostile to a Zuma administration for a variety of reasons, primarily: Cosatu's support for Zuma, which raised fears of a leftward shift in economic policy. The second "was a level of chauvinism - this is a guy who had not received educational training and did not have a Matric. They did not necessarily like Mbeki but they were 'wowed' by the fact that he had been trained in Britain, could quote Shakespeare, and so on. Zuma freaked them out - this was a guy singing uMshini Wam in public."⁴⁸⁹

Post-Polokwane, the business community began to acclimatise to the new political elite in response to mutual overtures between Zuma and the business elite itself. Habib notes that the first interview which Vavi, President of Cosatu, gave to the media was with the BBC, in which he said that although COSATU did not necessarily think that Zuma was their man, they did believe he would open up a debate. This was very strategic. Thereafter, the business community began saying how astute Zuma was and more consultative than Mbeki. The business community began to realise that a more substantive agenda would look at

⁴⁸⁸ Southall Black Empowerment and Corporate Capital, p 457.

⁴⁸⁹ Interview with Adam Habib.

more than just shareholder value, but also at broader issues of development which was important for the long-term sustainability of business itself.⁴⁹⁰

Crispin Sonn echoes these sentiments, observing that “with Zuma there is an openness to take on and engage on issues. In the past, the ANC has had a clear position in relation to business: when you went to see them it was not about dialogue and engagement but rather them telling you what their position was. It is important for the ANC to set out its own objectives before a conversation occurs. Without a framework for engagement, expectations are created. Currently, government’s framework is not that clear. Business wants to know: what are the key priorities? What is the agenda? There would appear to be a maturing of relationships, and the view that government and business can best deliver in partnership. “But business has to live with the reality that it is a stakeholder in ANC policy, but it is not a constituency. The ANC has to focus on its constituencies. Ministers should prioritise meeting their constituencies over meeting with business, and business has to work with this.”⁴⁹¹

Finally, we turn to a voice which arguably can speak for the collective interests of organised big business, to the extent that this is possible, given the fissures and factions which exist within it. Michael Spicer is the CEO of Leadership SA, representing 80 of the largest South African and multi-national businesses falling under Business Unity South Africa (BUSAs). In August 2009, Spicer delivered an address at the Rand Club in Johannesburg. In response to the notion of a ‘developmental state’, which was one of the Polokwane resolutions, but which had been discussed by the ACN at least since 2003, he raised the following concerns: that a developmental state must have a highly competent, professional and a-political, Weberian-type bureaucracy, which South Africa has yet to achieve. Second, that he is concerned about a possible spirit of isolation, which prioritises protecting the South African economy from competition, rather than making it more competitive itself. Finally, he criticises the Polokwane resolutions for the ‘glaring omission’ of reference to the private sector and its role in helping respond to the challenges, including those bequeathed by the Mbeki era, of “weaknesses and failures in education, health and rural/agricultural sectors, crime and unemployment, the politicization of the civil service and ⁴⁹²its lack of accountability and accompanying patronage and corruption, and a culture of mediocrity and inability to implement policy. All derive from a culture of the primacy of politics and a subordination of the interests of the state to the interests of the party.”

Outlining prospective business responses to a new and perceived more responsive Zuma ANC, Spicer proposed the following: first, the strengthening of business representative organisations. This must include a more honest debate on transformation. Second, business

⁴⁹⁰ Interview with Adam Habib.

⁴⁹¹ Interview with Crispin Sonn.

⁴⁹² Spicer M. (2009). Business and the Zuma Administration. Speech delivered at the Rand Club.

needs to define common interests within itself. Much legislation imposes a regulatory burden on small business, increasing the cost of doing business in South Africa. The ANC must recognise the opportunities for increasing competition into the monopolistic state-owned enterprise sector. Currently, there is a lack of competition, inefficiency, high administered prices and poor regulation, which contribute to the high cost of doing business in the broad economy. Third, business must become less defensive of and reactive to bodies like Nedlac and pro-actively raise its preferred solutions. Fourth, it also must show a more positive attitude towards sharing the broad national goals of the Polokwane resolutions, and when being critical, have positive alternative proposals. Fifth, partnership with the ANC government is crucial. The Business Trust, for example, has completed ten years of contributions to the fields of tourism, enterprise creation, education and public works. Successful public/private partnerships in the field of health operate in a number of hospitals, such as the Albert Luthuli Hospital in KwaZulu-Natal and the new Port Alfred hospital in the Eastern Cape. Finally, Spicer turns to the issue of speaking out, raising the famous incident of Trevor Manuel, in June 2009 at the World Economic Forum in Cape Town, chastising business as cowards for not standing up to labour and providing a counterbalance to the left in public discourse. Spicer validates its criticism, claiming that business does not speak up for its interests.⁴⁹³

As argued in the introduction to this section, it is clear that business impacts on ANC economic policy, often more indirectly than directly. Its effects are felt more in its reactions or anticipated reactions to ANC policy, rather than its direct, pro-active inputs.

9. CONCLUSIONS: LOOKING FORWARD: CHANGING LEADERSHIP AND INSTITUTIONAL CONTEXT AND REPOSITIONING OF CIVIL SOCIETY

9.1 Institutional changes

Early on in this report, we asked whether or not the internal structures and processes of the ANC were likely to affect its relationships with external actors. In other words, would a more democratic ANC be more democratically engaged with CSOs? This is a difficult question to answer, as we were unable to penetrate the workings of the post-Polokwane ANC. As mentioned in the introduction, despite numerous and concerted attempts, ANC insiders would not be interviewed, nor did they attend the dialogue forums. However, notwithstanding these constraints, a number of observations can be made.

First, the ANC is not a homogenous and monolithic entity. As has become clear in this report, there are pockets of access and influence which can be utilised by CSOs to exert influence. These include sympathetic government departments, individuals within party caucuses and departments, opportunities which are presented by invitations to presidential

⁴⁹³ Spicer (2009)

meetings and forums, and so on. There is a tendency to generalise that the ANC is relatively united and coherent. This is certainly not the case, and, increasingly, factions and fissures are being made public, both within the party and within the alliance. These represent opportunities for input by CSOs. We may well have asked the wrong question, given that the organisation is not united and coherent, and different parts are likely to respond variously to different interests and approaches by CSOs.

Another related point is that the state, government and party must be disaggregated and CSOs can develop multiple strategies to engage with these institutions.

Interviewees have suggested a number of ways in which the ANC has changed, which have implications for CSOs. The first is a shift in the centre of power from the presidency to Luthuli House. In other words, respondents are suggesting that the party is once again in control of policy, and that influence resides more within the ANC than in government. Concomitantly, it is suggested that senior members of the ANC wield substantially more influence over policy-making than those occupying similar positions during the Mbeki era. A cautionary note is sounded, though, that the ANC will accept critical engagement up to a point, whereafter its hegemonising impulse comes into play, and it will refuse to make further concessions. The second observation is that there are no longer clear lines of accountability, and that the hierarchical structure of the ANC, especially in terms of generational respect, is collapsing. This is obviously most evidenced by ANC Youth League leader Julius Malema's outbursts, for which he is not publicly admonished. This may represent either the ANC's tradition of not squabbling in public (which would be surprising, considering the amount of open animosity expressed between various alliance members), or it may signal a general opening up of debate within the alliance and the ANC. For example, Zuma has argued many times that the ANC will not engage in a public debate on nationalisation, as this is not ANC policy, but will also not silence Malema or anyone else on the issue, as people are free to state their opinions. However, there are contradictions to this stance, the most glaring being the treatment meted out to Minister of Public Enterprise, Barbara Hogan. She has been repeatedly reprimanded: first, for taking a principled stance on the ANC's decision not to grant the Dalai Lama a visa, for fear of offending China, South Africa's biggest trading partner.⁴⁹⁴ Gwede Mantashe openly contradicted her when she warned that government could not bail out unprofitable public entities indefinitely. He said this "did not reflect the party's thinking on the matter" and, when asked whether she may have been "thinking out loud" he said that "any thinking out aloud must be done in the subcommittees of the ANC. Robust debate must be brought to the ANC structures and proposals on policy must be forwarded there" - in other words, not even in parliamentary portfolio committees.⁴⁹⁵ The fracas continued, with Hogan being summonsed to the ANC headquarters to explain her comments.

⁴⁹⁴ <http://www.businessday.co.za/Articles/Content.aspx?id=86720>

⁴⁹⁵ <http://www.businessday.co.za/Articles/Content.aspx?id=73218>

This also demonstrates how “the ANC runs the country from inside Luthuli House ... The government and its ministers are mere emissaries, to be treated as little more than party messengers”.⁴⁹⁶ And when former presidency policy chief Joel Netshitenzhe criticised the ANC on a number of fronts, such as failure to manage party-state relations, especially in areas such as the judiciary, and the policy and deployment of party members to state-owned enterprises, which could lead to undermining the legitimacy of the state, he left his office soon thereafter. He had also warned that “the ANC is a strategic centre of power, but it should not micro-manage the government ... It will undermine the legitimacy of the state”.⁴⁹⁷ Thus, although it may be clearer now that the ANC is the centre of power, and that this is where CSOs should target their influence, it is not clear whether this is good for democracy in general. The third is that the alliance partners are more influential than they were in the past, and that CSOs could use them more successfully to represent particular sectoral interests. However, again, a cautionary note is sounded, insofar as the fractiousness within the alliance and between the SACP, COSATU and the ANC is unproductive and inhibits rather than enhances the possibility of consensual decision-making. A related point is that made previously by Russell Ally: that because the alliance was weak under Mbeki, debate was pushed out into the civil society arena. Now, it has been sucked back into the alliance, and created a vacuum in society, which is detrimental to robust critical debate. The implications for civil society are that organisations must attempt to use the alliance partners for influence, and to look for synergies and overlapping interests. However, now that COSATU and the SACP have greater ‘insider’ status, they may be looking more towards the ANC to advance their own interests, rather than for support and collaboration from outside the ANC.

The broader implications of these changes for CSOs are that they must be vigilant and alive to new opportunities to access power and influence decision makers. In order to do so, they must keep abreast of changes in the political terrain.

9.2 Is the ANC more amenable to external influence?

Clearly, the jury is still out on this question. Some interviewees believe that the ANC has to be more responsive to engagement with CSOs, for a variety of reasons, including: they need the skills and expertise provided by the civil society sector to formulate, implement, monitor and evaluate policy; they require CSOs’ support so that they do not “land up like Mbeki”, ostensibly divorced from their support base; there is a genuinely progressive impulse within the ‘new’ ANC; accommodating CSOs could be a means of demobilising them, as pointed out by one respondent who spoke of the seductiveness of being listened to by the party. Cautionary notes for CSOs are to remember their loss of autonomy and leadership when they succumbed to the warm embrace of the ANC in 1994. Their response

⁴⁹⁶ <http://www.businessday.co.za/Articles/Content.aspx?id=73271>

⁴⁹⁷ <http://www.businessday.co.za/Articles/content.aspx?id=84165>.

this time around can be more pro-active, by setting and pushing for their own agendas and retaining their independence.

There is also the role that populism played in sweeping Zuma into a position of power. This implies that the mass support base of the ANC was activated, and its visibility and power increased. The rank-and-file of the ANC voted for leadership change. This would suggest that the ANC is more in touch with grassroots members of civil society. However, as argued previously, this populism was partially an elite project, and has subsequently been demobilised. However, there are continuing social protests, but not enough research has been done to explain this phenomenon. Suggestions have been made that they are genuine service delivery protests, while others argue that they are expressions of community conflict around leadership and other issues. However, the ANC's initially sympathetic and high profile responses to these protests has also waned. Thus the apparent receptiveness by the ANC to mass-based organising and the needs of the unemployed and marginalised has evaporated. Although it has been announced that the cabinet is to set up an ad hoc committee to investigate service delivery protests, this could be an expedient response in the light of the upcoming 2010 World Cup and the 2011 local government elections. It is in the interests of the ANC to have calm citizens and satisfied, peaceful communities for both these events. The implications for CSOs is that they ought to try, where appropriate and relevant, to maintain and forge links with grassroots citizens. Not all organisations are equipped or mandated to do so, for example, this is not the role of research organisations.

9.3 How have CSOs repositioned themselves in relation to Polokwane policy and leadership changes?

The majority of CSOs' members interviewed said that they have not repositioned themselves in relation to the 'new' ANC, either in terms of strategy, policies or programmes. The reasons given were that it is "too soon", and they are adopting a "wait and see" attitude. Many were sceptical about the sustainability of the apparent overtures being made to CSOs by the ANC and believed that these would be rescinded. They also believed that it is not appropriate to allow changes in political power to dictate relations with the party, government or the state. They were critical of the idea that the party pulls the strings of civil society, and over-determines the relationship between the two. Others believe that organisations should pursue the trajectories of their own agendas, and not re-align them in relation to changes in political power. They believe the trajectory of organisations' policies and programmes are longer and more sustainable than those of political parties. None of this means that organisations should ignore political shifts; on the contrary, they should be acutely aware of them, and exploit opportunities for influence as they arise. Two organisations have changed their structures and policies in relation to what they see as an attack on the judiciary, the Constitution and Bill of Rights.

9.4 The hegemonising influence of civil society

Although the realm of civil society consists of a plurality of autonomous organisations, it can also develop as a hegemonising force in relation to the ANC. ANC actions can be as much a product of civil society influences as civil society is a product of ANC actions. Examples of this are the role of CSOs in ending apartheid, and in bringing about political changes at Polokwane. However, CSOs must also realise that the ANC as government holds democratic authority.

9.5 Strategies for engaging with the ANC

The predominant strategies for CSOs engagement with the ANC are: the strategic targeting of the party, the government, the state, departments, parliamentary portfolio committees and Chapter 9 Institutions. The animation of the Constitution and Bill of Rights and the use of the judiciary are important instruments to guarantee and protect people's rights, yet there remain problems of access to information and the courts. As mentioned previously, networking with people in relevant institutions is an important lever of influence. Conducting and presenting good research to exert influence is another important tool at the disposal of CSOs, as is communication with constituencies and stakeholders through the media. Research can also be linked to activism and advocacy. Forging linkages among local level communities, the deepening of roots into society, the mobilisation and organisation of grassroots membership is also important, where appropriate. Where organisations share common goals, linkages and coalitions should be built. Such coalitions can also be forged between 'new' civil society and 'old' civil society: for example, fledgling organisations can ride the coat-tails of COSATU, which is more experienced.

In sum, the jury is still largely out on whether or not CSOs are repositioning themselves in relation to ANC leadership and policy changes. Initial euphoric reactions in some circles of civil society seemed to have dissipated into a 'business as usual' approach to relations with the ANC. And although the ruling party seems to be less hostile under Zuma than it was often perceived to be under Mbeki, it is not clear yet that CSOs will exert or achieve any real influence. They may be more sympathetically received and accommodated, but their real impact on policy changes remains to be seen.

Appendix A: List of interviewees

Russell Ally, Ford Foundation, Johannesburg, 17 August 2009

Patrick Bond, Centre for Civil Society, Durban, 22 June 2009

Imraan Buccus, Research Fellow, Centre for Public Participation, Durban, 22 June 2009

Anthony Butler, University of Cape Town, Cape Town, 3 June 2009

Janet Cherry, Civil Society Activist, independent political commentator : 26 May

Jeremy Cronin, Deputy Minister of Transport, 4 June 2009, Cape Town

Ben Cousins, Director, PLAAS. Cape Town, 1 June 2009

Phillip Dexter, Political Analyst. Pretoria 09 July 2009.

Rudi Dicks, Director: Naledi, Johannesburg, 20 July 2009

Abie Dithlake, Director Cape Town, 4 Mar: SADC NGO Council, Harare, 4 August 2009

Director of an NGO, Cape Town, 4 May 2009

Focus group with civil society activists, Centre for Civil Society, Durban, 22 June 2009

Ebrahim Fakir, EISA, Johannesburg 17 August 2009.

Steven Friedman, Director, Centre for the Study of Democracy, Johannesburg, 27 July 2009

Lenny Gentle, Director, ILRIG, Cape Town, 4 June 2009

Jeremy Gordin, Author of Zuma biography, journalist, independent political commentator. Johannesburg 22 June 2009.

Director of an NGO, Johannesburg, 10 June 2009

Adam Habib, Vice Chancellor, University of Johannesburg, Johannesburg 09 September 2009

Ferial Hafajee, Editor-in-Chief, City Press, Johannesburg, 14 July 2009.

Eric Harper, Director, SWEAT, Cape Town, 1 June 2009

Mark Heywood, AIDS Law Project. Johannesburg 21 July 2009.

Janine Hicks, Commissioner, Commission for Gender Equality, Durban, 22 June 2009

Glenn Hollands, rural activist, East London, 23 June 2009.

Mazibuko Jara, ALARM, Cape Town, 3 June 2009

Tinyiko Maluleke, President of the SACC, Pretoria 05 August 2009.

Xolela Mangcu, political analyst, Johannesburg, 12 August 2009.

Dale McKinley, founder member of the Anti-Privatisation Forum, Johannesburg, 13 July 2009.

Anneke Meerkotter, Director: Tshwaranang Legal Advocacy Centre, Johannesburg, 08 August 2009.

Sheila Meintjes, Professor and Head, Politics Dept, Wits. Former Gender Commissioner. Johannesburg 18 August 2009.

Trevor Ngwane, founding member Soweto Electricity Crisis Committee, Johannesburg, 25 June 2009

Secretary of a social movement, Durban, 22 June 2009

Zodwa Nsibande, General Secretary, Abahlali baseMjondolo, Durban, 22 June 2009

Saliem Patel, Director, Labour Research Services, Cape Town, 5 June 2009

Reg Rumney, Economic Journalist, Grahamstown, 02 July, 2009.

Michael Sachs , Chief director : International Finance and Development, Treasury, Johannesburg, 03 June 2009.

Civil society practitioner, Johannesburg, 12 August 2009

A Corporate Director of corporate affairs and marketing, Johannesburg, 30 July 2009.

Human Rights activist, Johannesburg, 05 August 2009.

Roger Southall, Professor and Head of Department of Sociology, Wits University, Johannesburg, 22 August 2009.

Raymond Suttner. Research Professor at UNISA and a former ANC/SACP underground operative and political prisoner. Electronic communication, Johannesburg, 06 June 2009.

Sue Taylor, ex-WWF South Africa Climate Change Programme Manager, Johannesburg, 24 June 2009.

Donovan Williams, former member of SANCO executive, Pretoria, 17 September 2009.

Richard Worthington, current WWF South Africa Climate Change Programme Manager, 19 August.

S'bu Zikode, Abahlali baseMjondolo, Durban, 22 June 2009

List of participants at dialogue forums

Forum 1 : Cape Town, 30 October 2009.

CEO of NGO in criminal justice sector.

Leonard Gentle. ILRIG

Mr Elsley : ILRIG

Facilitator: Fiona White, Senior Researcher, Centre for Policy Studies.

Forum 2: Johannesburg, 03 November 2009.

Janine Hicks, Gender Commissioner

Abie Ditlhake : SADC-CNGO

Thabo Rapoo: Director, Centre for Policy Studies

Anthony Butler: Department of Political Studies, Wits University

Facilitators: Fiona White, Senior Researcher, Centre for Policy Studies.

: Maxine Reitzes, Senior Research Associate, Centre for Policy Studies.

Forum 3: Johannesburg, 05 November 2009.

Nonhlanhla Vilakazi: Soweto Electricity Crisis Committee

Khehla Shubane: Senior Research Associate, Centre for Policy Studies.

Kallie Kriel: AfriForum

Thembekile Kanise: ECNGOC

Mark Heywood: TAC and ALP

Lisa Vetten: Tshwaranang Legal Aid Centre

Axel Schmidt : FES

Facilitators: Fiona White, Senior Researcher, Centre for Policy Studies.

Maxine Reitzes, Senior Research Associate, Centre for Policy Studies.