

State and Non-State Actors in South African Public Policy

Jonathan Oshupeng Maseng¹

This policy brief provides a critical analysis of the role players in South African public policy. The brief argues that the institutional and legal framework of South Africa provides for a democratic and inclusive approach to public policy formulation. However, the political reality of the dominant party system in South Africa undermines the independence of Chapter 9 institutions. Furthermore, because parliament is dominated by the ruling African National Congress (ANC), it is preoccupied with ruling party interests, rather than those of the public in general. With regard to the non-state actors in South African public policy, some interest groups that have a large membership and financial resources turn out to have much power and influence on issues of public policy.

Introduction

Political participation is a process of voluntary participation by citizens in order to influence political decisions through direct or indirect means, which involves time employed efforts by individuals or groups as an instrument to attain particular interests.¹ Political participation is closely linked to political socialisation, referred to as the creation of involvement and awareness of citizens.² Public policy refers to all formal and publicly known decisions of government that come through predetermined channels in a given administration.³ The predetermined channels of formulating public policy make political participation and public policy inseparable. Thus public policy is an end (result), while political participation becomes a means (process).

Public policy can therefore be understood as political decisions of government taken through the processes of political participation involving citizens, state and non-state actors. In post-apartheid South Africa, efforts have been made to ensure that public policy becomes a democratic and inclusive process. Thus since 1994 the public policy-making arena has been marked by evolution in the political actors that have a critical influence on public policy-making processes,⁴ through establishing and institutionalising public participation in policy processes. This suggests that the state, non-state actors and the general public have the opportunity to make inputs into public policy making.

Nevertheless, while there have been institutionalised efforts to make policy making inclusive and democratic, questions remain about

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whether or not policy making has been dominated by the elite and powerful, as opposed to the general public. This brief therefore provides a critical analysis on the role of state and non-state actors in public policy making in South Africa. On the one hand, regarding state-orientated public policy involvement, the brief looks at local and provincial government, parliament and Chapter 9 institutions. On the other hand, looking at non-state-orientated public policy, the brief examines the involvement of non-state actors through the National Economic Development and Labour Council (Nedlac). This is done in the light of the political realities of South Africa.

Local and provincial government in public policy

The local sphere of policy making in South Africa operates at local government level,⁵ for the provision of democratic and accountable governance, encouraging involvement of communities and community organisations. Local government thus has a constitutional obligation to facilitate involvement of citizens in public policy making. This constitutional principle is informed by the spirit of democracy: not being restricted to structures of government only, but rather creating means for broader, continuous public contributions. Hence, local government is a policy and institutional structure facilitating and ensuring accessibility of government to the public, as expected in a democratic society. However, although on paper local government seems democratic, most municipalities are ANC-led and most policy positions are ANC-orientated, as opposed to obtaining the views of citizens.

The provincial government is another level at which the state plays a role in public policy through the legislature, which is the driving engine behind public policy making at the provincial level. Here again, except for the Western Cape province, at present under Democratic Alliance (DA) rule, eight other provinces are ruled by the ANC, as such prioritising the party's policy positions.

Parliament and the realities of ANC dominance

Public policy making in the national sphere of government is mostly concentrated in parliament, which is charged with facilitating public involvement in national legislative processes through its two houses, the National Assembly

(NA) and the National Council of Provinces (NCOP), which must facilitate government by the people. Constitutionally, parliament is obligated to ensure democratic and inclusive public participation in various legislative and policy making processes.

Thus *de jure*, the South African parliament is democratic. However, *de facto* the South African parliament is subjugated by the dominant party system, a system

in which, despite the multi-party situation, only one party is so dominant that it directs the political system and is firmly in control of state power over a fairly long duration of time that even opposition parties make little if any dent on the political hegemony of a dominant ruling party.⁶

In this vein, though parliament has multiple political parties and is constitutionally obligated to provide public participation and a national forum for public interests, dominance by the ruling ANC has created a 'downsized' democracy, a monopoly of participatory process by elite forces.⁷ South Africa is thus subjugated by democratic deficit through the failure of established, liberal norms of participatory democracy to link the public with state institutions and processes. This lowers democratic quality and vibrancy, resulting in less accountability. Considering the notions of 'dominant party system', 'downsized democracy' and 'democracy deficits', public participation in policy making is democratically inadequate. In effect, public participation is from time to time narrowed to participation by the elite.⁸

Chapter 9 institutions' dilemma of autonomy

Chapter 9 institutions⁹ are provided with a responsibility to strengthen South Africa's constitutional democracy by maintaining the principles of independence, subject only to the Constitution and the law, being impartial and also exercising their powers and performing their functions without fear, favour or prejudice. Though Chapter 9 institutions are constitutionally obligated to be independent, the fact that they are appointed by the president on recommendation by the NA has implications for their independence when performing their duties.

This is more so because the NA is dominated by the ruling ANC and the president is a member of the ANC, therefore Chapter 9 institutions have the ANC as their political principal and therefore

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could very probably play a role biased towards the ANC on certain issues, including public policy. Moreover, through cadre deployment, the ANC has ensured that some of these institutions are predominantly headed by cadres or individuals who owe their first loyalty to the ANC and not to the South African citizenry. In this sense some Chapter 9 institutions are extensions of the ANC's power (rather than limitations on it).

Of note is that Chapter 9 institutions are clouded by 'clientelism', which is described as 'mutually beneficial association between the powerful and the weak'. Clientelism is thus a form of political contract through which a patron offers public office, security and resources to his or her client, and in return the client offers support and defence that assists in legitimising the patron's position.¹⁰ The ANC is thus a patron that offers public office, security and resources to its clients, and some of those leading or serving on Chapter 9 institutions are clients who assist the processes of legitimising ANC actions, whether democratic or not.

Nedlac and organised groupings

Besides the involvement of state actors in public policy making, there are various non-state actors involved. Nedlac is a key body through which government links with organised business, labour and community groupings at national level for discussion and steps towards consensus on issues of social and economic policy.¹¹

Nedlac provides a forum for discussion on public policy between the government and key non-state actors in various sectors, such as business, labour and other non-governmental formations. Thus organised labour, business and community groupings attempt to ensure that public policy in a specific area of importance to its members is in their favour.¹²

However, the participation of interest groups in public policy making does not necessarily mean that views of all South African citizens are taken into account. In this regard, participation of interest groups boils down to the notions of 'downsized democracy' and 'democracy deficits', where citizen participation is often reduced to participation by the elite and interest groups that have access to resources. It is mostly the organised sectors of the community, labour and business that have the time and money to seriously take part in public participation forums. Interest groups with a large membership are more influential than those with a small membership. Similarly, an

effective leadership, able to communicate with and persuade elected leaders, and possessing social status, integrity, professionalism and prestige, gives interest groups an added advantage over others lacking such qualities. The wealth of an interest group in terms of financial resources and the geographic concentration of its members over virtually all areas of the country can work effectively, as influence will be spread through the rest of the country as well.

The Congress of South African Trade Unions (Cosatu), Business Unity South Africa (BUSA) and the Treatment Action Campaign (TAC), among others, have a large membership, effective leadership, good standing, social status, financial wealth and well-spread-out geographic concentration. In view of their large membership and influence on public policy, elected officials ought to listen to any issue raised by these interest groups. A large membership suggests that the interest groups are broadly accepted for their ideas; in addition the large size means they have a large number of individuals to advance their objectives relating to public policy making.

With regard to leadership, Cosatu, BUSA and TAC have always had leadership that effectively communicates with and influences the government. Though these interest groups have not always won on all the issues relating to their interests, their voice, acting as a vanguard for both ordinary South African citizens, the business sector and the working class, has always been taken into consideration by the government.

Though some segments of South Africa have viewed Cosatu as an extension of the ANC government, most citizens, particularly the poor and the working class, see the labour federation as their voice of reason on political and economic issues. In this vein, Cosatu's projection as the vanguard of the poor and the working class has increased perception that it is an interest group of professionalism and integrity; as such, this has elevated its social status.

Because of its large membership it goes without saying that the financial contributions of the working class provide wealthy revenue for Cosatu. It becomes easy for Cosatu to influence citizens and the government on matters relating to public policy. Similarly, BUSA, as an interest group of the business sector, of course possesses massive financial resources. The wealthy BUSA therefore has considerable ability to influence public policy in South Africa. From the above perspective on the wealth of Cosatu and BUSA, it is clear that their large pocketbooks enable both of them to purchase airtime for broadcasting

De facto the South African parliament is subjugated by the dominant party system

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statements able to influence public opinion.¹³ In addition, wealth can facilitate access, and in some instances purchase expensive legal services that enhance participation in government decision making.¹⁴

Many of the South African working class structures, in both the private and public sectors, are affiliates of Cosatu. This implies that members of Cosatu are spread throughout the corporate sector, and that the workers are located in virtually all areas of the country. This is an advantage to Cosatu for advancing its issues and objectives on public policy. Clearly, groups with members in virtually all areas of the country can work effectively at national level because they are able to make claims on representatives from virtually all areas of the political spectrum, making them difficult for government to ignore and disregard, as they have the potential to generate voters in every area of the country.¹⁵

Conclusion

On paper the institutional and legal framework of public policy in South Africa is democratic. However, the political reality of South Africa is that the one-party dominance often overshadows processes meant to be democratic. Thus, frequently public policy may seem to be a democratic process, but what the ruling ANC desires will tend to come to pass, considering its dominance in the South African political spectrum. In addition, interest groups that are dominant similarly advocate for their interests on policy-related issues, rather than those of the general public. Powerful and influential interest groups in society turn out to have much more say than those that are weak in terms of wealth, membership and leadership.

Recommendations

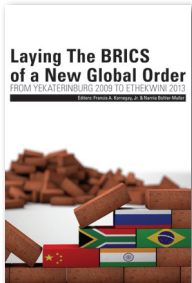
- Though democratic and inclusive political participation is institutionalised in South African public policy, there is a need for development and growth of opposition political parties and interest groups in order to enhance practical and inclusive democracy in South African public policy making.
- Policy and legal frameworks must be further developed to limit the ruling party's powers over Chapter 9 institutions.
- Public political education should be intensified in order to deepen and strengthen

knowledgeable public participation in policy formulation.

Notes and references

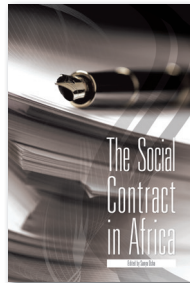
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The one-party dominance often overshadows processes meant to be democratic



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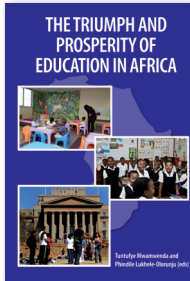
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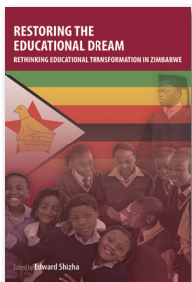
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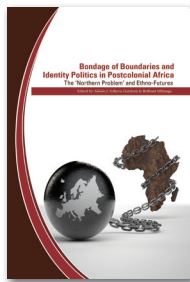
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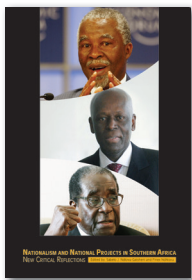
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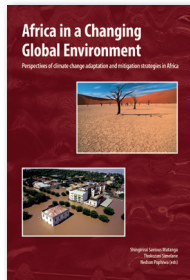
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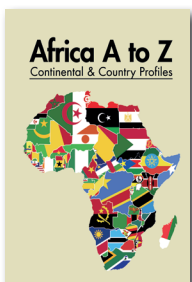
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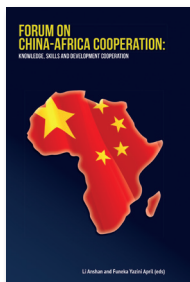
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