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Open Society Foundation for South Africa

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The South African State and Civil Society: in Search of a Developmental Trajectory

Introduced and edited by Ebrahim Fakir

Introduction

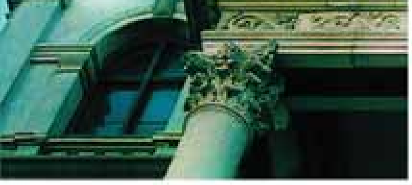
This issue of SYNOPSIS is the third of the Centre for Policy Studies Quarterly policy bulletins for 2006. It is a compilation of papers presented at a joint Centre for Policy Studies, Open Society Foundation and Centre for the Study of Violence and Reconciliation seminar on State-Society relations, hosted at the Centre for Policy Studies on June 27, 2006

The seminar was primarily aimed at deliberating on the nature of state civil-society relations, particularly in a transformed, yet transitionary and therefore a dynamic and fluid, post-apartheid context. Post transition contexts often create a bewildering array of challenges, one's that are impacted on by the changing nature of relationships between social and political actors, power relationships and the instrumental terms and platforms on which actors in post-transitionary contexts engage with each other. The focus of the seminar was on South Africa, whose nature can be characterised as transformed, yet still transforming, but one that has effected shifts from a closed, exclusionary society structurally defined by racial oppression functionally operating on the basis of exploitation and subjugation - to one that is open, democratic and underpinned by a mutually reinforcing set of rights and responsibilities. In such a changed and changing context, there are obvious ways in which antagonistic relations of yore are transformed into relationships of potential co-operation rather than obstructionist opposition, constructive engagement rather than debilitating conflict. This is not to suggest that contestation is absent, but that contestation need not always be antagonistic, and that contestation occurs on newly defined terrain, in changed circumstances and newly defined contexts. Such new circumstances create new contexts and opportunities for engagement, and new challenges to explore, new things to learn, new capacities to develop and new skills to acquire, new instruments and tools with which to facilitate engagement. And each article in this collection makes just such a case, for 'engagement'. The articles each have a different focus area, but each unequivocally and explicitly argue that a developmental state and a developmental society will best be served by engagement, progressive and constructive engagement more specifically. Yet again, each of the articles are not unaware of, or blind to the fact that engagement could occur on terms that are either conflictual and competitive or cooperative and complementary. Whether one of these typologies or not, the fact is that without engagement and contestation there can be no competition, cooperation and complementation, or conflict for that matter.

The joint Centre for Policy Studies, Open Society Foundation and Centre for the Study of Violence and Reconciliation seminar aimed to address and revisit the historical

relations between state and civil society formations before the transition from apartheid proper. It also included a focus on how State and Civil Society actors attempted to tackle the development deficits and challenges that were bequeathed South Africa by its Apartheid past. In doing so a series of critical questions informed the seminar and has been important in shaping the agenda of this edition of SYNOPSIS. In general, these questions revolve around the way in which the newly created democratic space in post 1994 South Africa created a new space for engagement and how these spaces have been mobilised by key social and political actors. It also raises issues about what the defining features of this engagement were, and how these features either enhanced or impeded, facilitated or stunted engagement.

South Africa is still defined and continues to be defined by its particular history and circumstances, its own objective conditions and subjective factors that are peculiar defining features of itself. These defining features that are particular to South Africa are spelled out in the first contribution by Ebrahim Fakir, Senior Researcher at the Centre for Policy Studies, who points out that social and political conditions in South Africa are by and large shaped by the legacy bequeathed South Africa by Apartheid, the aftermath of the struggle against it and by the transition from racist authoritarianism to a democratic trajectory with elements of radical social redistribution. He goes on to add that this characterisation of a transition from Apartheid to Democracy bears profound implications for the political space that consequently becomes available and that can then potentially be contested by social forces. He adds that in South Africa, the social and political conditions that pertain are characterised by internal cleavages and stratifications on the divides of race, economic and employment status [or a form of class], ethnicity, sexual orientation and ability (health status regarding HIV status has now entered this discourse). The concentrated expression of these apparent contradictions provide a useful background, he argues, in which to locate the state, non-state/ public sphere/social movements interface. Fakir briefly traces the history of progressive anti-apartheid civil society formations from the 1980'onwards arguing that the anti-apartheid sector of civil society related to the Apartheid State in relatively straightforward ways. Despite severe repression by the apartheid state of elements within the anti-apartheid camp, a repression that was intensified under successive states of emergency, progressive social actors and social forces during the years of apartheid agitated and militated in opposition to the state, and in spite of state harassment and repression of organisations and individuals – anti–apartheid forces retained their popular legitimacy. In most instances, its constituent organisations, prefiguring in part the later emergence of the "new left" community/social movements post-1999, acted to create alternative structures of power (street committees, peoples courts, and civic organisations – particularly in predominantly black townships) invariably in an attempt to subvert the dominance of the repressive apartheid state apparatus. Developments during the transition process had a profound impact on the subsequent shape of South African democracy in the post-1994 period; a precedent was set wherein formal representative democracy negotiated by political elites, became just one way in which citizens could have a say in the country's affairs. Fakir then describes the period in the immediate post-1994 transitionary context and describes how these dual histories laid the basis for current state society relations. In addition his contextual historiography describes the objective conditions which gave rise to a particular type of civil society actor, the phenomenon of social movements and Fakir raises, in addition, the subjective and ideological conceptual variants that give content to the politics of the social movements. He concludes that the antagonistic relations between social movement and state actors, who are often dismissive of social movement activists and issues, together with the "militant particularism"of the causes adopted by, and the type of politics characteristic of the social movements, in effect displace the process of socio-economic transformation that could potentially result from constructive engagement and miss the opportunity to give effect, content and expression to transformative impulses that animate the South African public imagination.

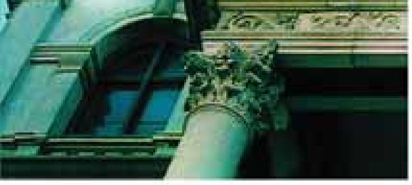


The second policy essay by the Director of the Centre for Policy Studies, Chris Landsberg, recognises that the political context in South Africa has changed, specifically to one where the invocation to a democratic developmental state is made by both State actors as well as actors in civil society. In a contribution titled “From Democratic Enabling State to Democratic-Developmental State: Challenges for State and Civil Society in South Africa”, Landsberg describes the contextual shift of focus amongst State actors after learning powerful and painful lessons from the first decade of liberation. He asserts that State Actors had moved beyond the polarising debate on the policy of GEAR and are beginning to articulate a more progressive, activist and transformative vision through detailing the elements of a Developmental State. Landsberg focuses on the Ruling ANC’s conceptualisation of the Developmental State, but points out that in the ANC’s conceptualisation very limited emphasis is placed on the role of non-state actors. He argues that this serious omission gives rise to the accusation that the ANC and Government harbour a largely technicist understanding of the Developmental State. Civil society actors, Landsberg argues, despite the ANC’s limited emphasis on the role of non state actors in the conceptualisation of the Developmental State, have themselves not shown a new boldness and willingness to engage the State beyond the sterile debate about GEAR and its constraints. Landsberg asserts that if the debate on the Developmental State is to be taken seriously, a sea change in attitude and approach is required by both State actors and non-State actors in which ‘an engagement approach’ is required. He then conceptualises and details what an engagement approach should entail. Engagement means that there are encounters (or abilities to interact) – co-operative, consensual, complementary and even combative and conflictual – that occur between actors on behalf of the state and actors located in society, within political, economic and social spaces. Implicit in the idea of engagement must mean the existence of a regime of rights and limitations within which this must occur, and that mechanisms, processes and procedures, or channels for engagement are defined. The instruments for facilitating engagement should thus exist. Fundamentally, engagement subscribes to a subsidiarity notion of power, in other words the notion that hegemonic power in some instances will need to be temporarily suspended, that there are moments at which the power and predominance of one party or actor will need to be contingently ceded to the other, and that at other moments they should be shared, whether between governments, state organs and organs of civil society or other social and political actors and forces. Landsberg then returns to the idea of the Developmental State, which he contends is no minimalist state; it is an enabler, a facilitator, and an intervener in order to promote development and equality, and improve the quality of life of all citizens. There should be little doubt that the democratic developmental state is necessarily people-centred, and people-centredness comes about through engagement. Just like state actors, civil society has a vital role to play in promoting the quality of life of the poor. In the context of a democratic developmental State, this means that Government should not be arrogant on the basis of the mandate given to it through an election, and thus seek to monopolise power. Sharing power brings with it credibility, legitimacy and burden-sharing. Civil society in turn should not be short-sighted and view its role merely as an oppositional; it should appreciate that engagement does not automatically render it complicit with decisions and political trajectories that it may ultimately reject. Engagement simply means contesting spaces, contributing ideas to enhance, strengthen and promote the engaging actors’ autonomy, independence and confidence.

The themes from Landsberg’s essay are picked up through parts of the article by Kirty Ranchod, a Researcher at the Centre for Policy Studies who focuses on "State-Civil Society Relations; Lessons from engagement". Ranchod, like Landsberg, makes an explicit case for engagement, arguing that engagement can be viewed as imbibing political pluralism that can also be defined in the context of political participation where the opening of the social and political spaces for ordinary people to participate in decision-making processes contributes to development. Participation and engagement between specific organisations and the state should, therefore, be goal-directed and seek to improve society, she argues. Ranchod then describes the evolution of civil society engagement with the Sate in the post-aparthied era and elaborates on some of the consultative and particpatory mechanisms, such as NEDLAC, that the post-1994 State put in place in order to manage relations between state and civil society, while at the same time creating the space for social and political actors to engage with each other. Ranchod describes the formulation of the Reconstruction and Development Programme as amongst the first

processes of engagement and participation, whose inclusive process garnered wide scale support, not just for the process but for the policy imperatives contained in it too. She contrasts the formulation of GEAR as a policy to that of the RDP, and in that way posits the first lesson she gleans, that the exclusive process of drawing up GEAR and the lack of consultation and engagement meant that an otherwise well thought out policy strategy saw a limited role for civil society actors and did not allow them to define how their role was to be instrumentalised in achieving the policy objectives of GEAR. In addition she points out, perceptions that GEAR was a neo-liberal project gave rise to antagonistic social movements that mediate between the State and people through "illegal mobilisations, refusal to pay for taxes and services, using the language of rights to demand welfare provision." Ranchod posits that Civil society in its simplest sense, is made up of organisations that interact with the state and seek to determine and alter its policies. While in most modern democracies Elected representatives have the mandate of the voting public to determine policy, they are equally mandated to see to the needs of their constituencies whose needs should in part determine the policy agenda. So while elections are a necessity in a democracy, they are not a sufficient condition for a proper democracy. A vibrant civil society, through NGOs, CBOs and social and other movements, together with ordinary citizens that are a part of the constituency of political parties and elected politicians therefore provide and create other ways for popular will and demands to be expressed. In this regard, Ranchod recognises the important role that Community Based organisations play in a democracy along with that of other civil society actors, but raises critical questions about the sustainability of their engagement if the CSOs are not themselves sufficiently resourced to represent, or are not representative of the interest groups they purport to represent. Ranchod then details the space available for engagement and presents some important lessons from case studies she conducted for a longer version of this essay. Ranchod argues that engagement thus far, especially on the part of the social movements has been largely adversarial in nature, but that mass protest is just one way of taking up the challenge. The lesson that has to be learned is that protest and mass based activity has to be executed as part of a sustainable campaign with tangible and measurable targets and in addition needs to be followed up with policy alternatives which are realistic and achievable, together with strategic planning and communication, otherwise they risk introducing reforms that are unsustainable and which have no impact or may not initiate change. Another, more successful method of engagement she argues, has been litigation, as evidenced in particular through the landmark case brought by the Treatment Action Campaign (TAC) against the Minister of Health to provide anti-retroviral [ARVs] drugs to pregnant women. The lesson here is that the courts are a useful and high profile way of getting the government to respond to demands made by citizens. Ranchod argues in conclusion that narrow notions of how state-civil society relations should be conducted should be discarded. Scepticism, mutual distrust and ambivalence between the parties involved should be overcome. There has to be a stop to the 'us' and 'them' approach, towards a more open, participatory means of creating a developmental state. Some of the methods employed by organizations have been aggressive and some cooperative. Which has been more fruitful? The paper argues that it is a combination of various components, together with a keen sense of what is best for that organisation and that cause. Tactical responses have been most successful, and that the use of one method of engagement alone will not win the day, but rather a combination of knowledge and strategic responses to match, may in fact do so.

Elaborating on a Case Study, Jabu Dada, a Senior Researcher at the Centre for Policy Studies, focuses on the progressive role played by civil society in defining South Africa's security agenda. A key message that emerges from Dada's contribution is that a progressive outcome is the consequence of progressive commitments from all actors involved in a policy making process. Underlying this, Dada's posits, is the requirement that a State actor be willing to be inclusive and consultative; taking the initiative to put in place the platforms, mechanisms and processes to facilitate this. Equally, this requires a set of responsive, engaged and committed civil society actors



willing to participate. But for this kind of engagement to occur, all social and political actors need to recognise that social and political actors are not homogenous, that they are diverse and thus important nuances of the diversity that characterise actors should be accounted for, each is complex often susceptible to change in identity and orientation. While this is true, it is also true that in South Africa there are common challenges faced by all social and political actors. In the security arena, new forms of military politics, of state repression and of political violence have emerged behind the façade of political and economic liberalisation disguising the social, political and human security problems and contradictions they express. This creates new problems for analysis both for civil society actors and for democratic governments. The South African transition, and the establishment of a democratic society based on the values of rights, responsibilities and openness saw extensive state society engagement in the formulation of defence policy and is a good example of productive and progressive state civil society engagement. The South African security and defence policy process is arguably the most elaborate consultative process in the history of South African policy processes. Parliament and the Joint Standing Committee on Defence were extensively consulted by the Ministry of Defence, the Executive Department of Defence and its Policy Unit in the process of drafting the White Paper on Defence Policy. This consultative process extended into provinces where church leaders, non-governmental organisations, academics, business and community leaders were consulted further by the Department of Defence, which signalled its commitment to engage civil society actors. Given the history and role of the apartheid security paradigm, this radical shift is particularly important given the secretive nature on which the security discourse had hitherto been conducted, and demonstrated a real commitment by both civil society actors as well a State Department to change the terms on which the discourse was conducted – away from a secretive, closed exclusionary process towards a more transparent, inclusive and consultative one.

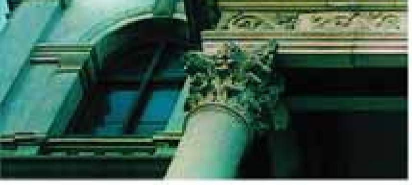
A key example that Dada uses as the consequence of constructive engagement, is from the drafting of the White Paper on Defence, which elucidates the broad concept of security, encompassing all aspects of human security, stating unambiguously that the greatest threats to the South African people are of a non-military sort. Dada illustrates that the contribution by State and civil society in a participatory process of engagement facilitated a departure from defining national security as the notion of protecting the sovereign state from external military aggression. Constructive engagement can be credited with contributing to redefining security to include internal societal challenges such as poverty, unemployment, inequality and inequities in the access to; and distribution of land, healthcare, education, welfare and employment and economic activity. Dada also notes other progressive successes that were the result of an extensive and genuine consultative process and argues that Civil society engagement and participation with the defence sector usually began at the conceptual stage, but also entailed actual participation in substantive policy formulation processes and in the drafting processes. The involvement and participation of civil society was as a result of the democratic space that existed, the political will on the side of government to include civil society in the process and more importantly, the vibrancy and purposive inclination of civil society to assert its agenda.

Malachia Mathoho, researcher at CPS, looks at the challenges and the changing roles of the non-profit sector in South Africa. Mathoho, like other contributors to this volume, provides a definition of what he considers civil society to be constituted of and posits the democracy enhancing features of a vibrant and active civil society. Mathoho then examines the variety of roles played by CSOs and the relevance of those roles, at different historical periods that they may have played in South Africa. He provides a useful typology of the subject area categories that the bulk of civil society organizations are active in, detailing them and further describing the various sorts of associations and organizational forms that they adopt. Mathoho then revisits the different challenges faced by CSOs at different historical points. Like Fakir earlier, He adopts the 1980's as the point of historical departure, positing that the regime in South Africa pre 1990 was regarded as undemocratic and illegitimate, foreign donors saw CSOs as legitimate vehicles for channelling funds to apartheid victims and fighting human rights abuses. When the apartheid regime was incapable of, or deliberately chose not to deliver services to many black South Africans, it inadvertently gave rise to an anti apartheid civil society that became more organised in order to contend with the ravages wrought by apartheid. Thus the 1980s saw the mushrooming of CSOs that filled the service gaps

created by the apartheid state's separate development policy, and in addition, they mobilised against apartheid. After the demise of Apartheid the context and funding environment changed-positing the dual challenges of flexibility and adaptability for CSOs, many of whom were unable to contend with this changing environment, especially as many had adopted very similar areas of focus. Mathoho then points to the normative and policy considerations that regulated CSOs and concludes his contribution by focusing on how CSOs could both be independent and autonomous from government yet engage with it, and points to ways in which CSOs could enhance policy making processes.

The implication from all this is that in the evolution of the South African polity, co-operation, competition and conflict all simultaneously co-exist. The articles in this volume recognise this, and in addition raise crucial questions about what the implications are, and what the transformative potential may be, of each of these typologies of state society relations in a developmental context. This is not to argue for a South African exceptionalism, but rather to begin to appreciate the generalities together with the particularities of a particular society at a specific political moment. It is not to suggest that this is a society apart from others, but to appreciate that as much as there is, that is commonly shared between South Africa and other societies, there are distinct challenges and defining contours and features that are specific to South Africa. In recognising the particular and the general, the next two contributions from Richard Smith, Peacebuilding Manager at the Centre for the Study of Violence and Reconciliation (CSVR), places the challenges faced by civil society in both a local and global context and links thereby the international context with the local, the general with the specific. The last contribution by Shilaho Westen Kwatemba, a researcher at the CSVR, adopts a comparative perspective on South Africa with its continental counterpart, Kenya. This is a signal of the beginnings towards more rigorously putting into practice a more nuanced appreciation and understanding of the general along with the particular, but is equally a signal of our intention to more substantially place South Africa within its proper context on the Continent and globally, to unravel its historical antecedents, trace its contemporary realities and examine its possible future trajectories. We attempt to do this in this edition of synopsis by examining the nature of State-Society relations and the way in which state society engagement has occurred in the past, the contours on which it occurs at present and possible ways in which this could productively and progressively occur in the future.

Richard Smith, like many of the other contributions in this SYNOPSIS, argues that engagement between State and civil actors that follow rigid ideological binaries is a paradigm of engagement that is essentially limiting, and which limits the potential to resolve and tackle the social contradictions that riddle society. Smith, like Landsberg and others, argues cogently that a paradigm shift is required, especially towards that where social and political actors recognise and value the contributions of a much broader movement of progressive forces and that sees constructive engagement between these forces as imperative in giving substance and practical meaning to progressive and sustainable development. Smith interrogates the notion of a Developmental State and situates the challenges facing developmental states within what he calls a constraining global neo-liberal discourse, which he argues need to be challenged, as unless this global and domestic set of systems and structures can be transformed all other initiatives are unlikely to fundamentally change inequality and injustice, and therefore will give no effect to social justice. Smith posits that this challenge of transformation will best be served by the creation of a cooperative partnership between States and their citizens, a cooperative partnership underpinned by a shared understanding of participatory democracy that deliberately creates opportunities for an empowered and organised civil society to engage effectively in strengthening policy formulation and implementation. Smith, echoing some of the ideas expressed by Ranchod, posits that a cooperative partnership with the state would first require civil society to deepen its own level of organisation and find ways of working cooperatively within itself. This deeper level of organisation



would enable both the state and civil society to engage far more effectively. The basis for co-operation, Smith argues already in part exist, and elaborates that domestically, the sentiments expressed by President Thabo Mbeki at the Growth and Development Summit potentially create this platform for engagement for sustainable development. Continentally and Internationally, the African Union protocols and elements of NEPAD along with South Africa's multi lateral engagements at World Trade forums and the United Nations and the India-Brazil-South Africa initiative give further impetus for the notion of constructive engagement. While this is true, Smith argues that there is also a growing recognition within government of the limited impact this engagement has had in producing any substantial or significant shifts in the global domination of the industrialised countries and the interests of accumulated capital they protect. It is this apparent failure to make significant advances that speaks again to the need for a cooperative partnership that minimises the time and energy spent on criticizing and maligning each other as civil society and government and in laying the imperatives for more constructive, proactive, progressive and co-operative approach to engagement.

The final contribution by Shilaho Westen Kwatemba, in addition to adopting a comparative perspective between South Africa and Kenya draws this edition to a close by drawing all of the elements together. Kwatemba's contribution revisits conceptualisations of civil society and the developmental state and places both within their respective country contexts. Kwatemba presents two case studies, one from Kenya and the other from South Africa in which he examines policy making enterprises that have not properly accounted for multi stakeholder engagement and citizen participation and particularly draws parallels between the participation of civil society in policy formulation in both countries. Kwatemba, through the case studies, provides a demonstrable link in developing country contexts between poverty and violence, and concludes that if States gloss over policy issues that are supposed to alleviate the lot of the poor, and where the poor require to be a part of policy making processes, it is not uncommon, if they feel excluded and marginalised for violence to erupt as a means of expressing dissatisfaction.

Past and Present: State-Civil Society Relationships in South Africa

By Ebrahim Fakir (Senior Researcher, Centre for Policy Studies)

Introduction

Current social and political conditions in South Africa are by and large shaped by the legacy bequeathed South Africa by Apartheid, the aftermath of the struggle against it and by the transition from racist authoritarianism to a non-racial democratic trajectory with elements of radical social redistribution. The transition of formal political power in South Africa has been characteristically unique, typified as part successful revolution, part the result of shifts in international balances of power, and possibly, part negotiated settlement. This characterisation of a transition from Apartheid to Democracy bears profound implications for the political space that consequently becomes available and that can then potentially be contested by social forces.

In South Africa, the social and political conditions that pertain are characterised by internal cleavages and stratifications, which remain pronounced – particularly across the divides of race, class, ethnicity, sexual orientation and ability (health status regarding HIV status has now entered this discourse). The concentrated expression of these apparent contradictions, provide a useful background in which to locate the state, non-state/ public sphere/social movements interface.

In the 1980's, the relationship between the organised public space that campaigned and worked against apartheid [what others refer to as " progressive civil society] (i.e. NGOs, CBOs and other organisations), and the Apartheid state was relatively straightforward. There

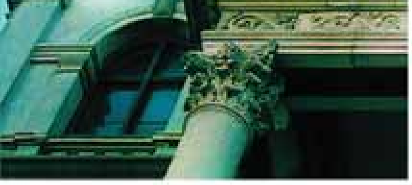
were, to be sure, contradictory impulses in the way that anti-apartheid civil society engaged with the Apartheid state. In part civil society organisations engaged with the State to the extent that was necessary, in that Unions registered themselves as Trades Unions in order to function and promote the rights of workers. In addition Residents Associations interacted with local councils to the extent that they could make incremental community gains. But by and large civil society organisations straightforwardly militated and agitated against the Apartheid State. Despite severe repression by the apartheid state of elements within the anti-apartheid camp, a repression that was intensified under successive states of emergency, progressive social actors and social forces during the years of apartheid agitated and militated in opposition to the state, and in spite of state harassment and repression of organisations and individuals – anti–apartheid forces retained their popular legitimacy. In most instances, its constituent organisations, prefiguring in part the later emergence of the “new left” community/social movements post-1999, acted to create alternative structures of power (street committees, peoples courts, and civic organisations – particularly in predominantly black townships) invariably in an attempt to subvert the dominance of the repressive apartheid state apparatus, which in effect denied black South Africans full citizenship rights] and assert the social nature of citizenship, in which black South Africans were able to mediate their citizenship rights through credible self-legitimating institutions and practices. In addition they attempted to influence the internal and international ideological apparatus in an attempt to dismantle the South African State in its then current form.

By the 1990’s the anti-apartheid camp had come to be the dominant social element in the deracialising public sphere outside of the State. The values that underpinned the hegemonic anti-apartheid movement however, remained rather vaguely defined beyond the commonly unifying thread that read that a transition to a non-racial democracy was required and that some kind of social redress would be needed post the transition. The precise shape and form of democracy and its substantive detail as well as the terms of social redress, economic redistribution and the criteria of economic and social justice and what they would entail, remained contested and came to set the scene for the competitive and sometimes combative politics that characterises South Africa post its second democratic elections, particularly at the local level. But the precursors to the politics of the moment go deeper still.

During the transition period, crucial decisions on the shape of the South African political and social system, and the power of interest groups within them, had to be negotiated. To make their, and their constituencies voices heard in the process, organs outside of the then state had to engage the incumbents of the existing state, either directly or indirectly. Much of this engagement on the “progressive” front was done through the then unbanned ANC and its allies, especially by supporting them with the resources and expertise needed in the negotiations with the State. In addition, some organisations interacted with the State directly[1].

In a sense, the creation of several fora in the negotiation processes that prefaced South Africa’s formal political transition, represented an attempt to put into practice the theoretical concept of ”the public space”, as a force engaging the State, but not necessarily seeking to replace it. By giving organised structures in the public domain as well as the broader public[2] such a stake in the process, the dangers of their being absorbed into centralised and bureaucratic structures and modes of operation became real. The issue of the representative nature of such organisations also emerged in that context, but during the transition period, they continued to play an active role in society, particularly when the negotiation process had deadlocked and political violence in the country had spiralled.

Developments during the transition process had a profound impact on the subsequent shape of South African democracy in the post 1994 period and a precedent was set where formal representative democracy negotiated by political elites, became not the only way in which citizens could have a say in the country’s affairs.



The Post-1994 context and reality

Euphoria at the dispensing of formal apartheid and the ushering in of a democratically elected government by popular suffrage gave way to the pressing demands of initiating good governance and proceeding with the urgent task of socio-economic transformation and reconstruction. The new Government was faced with the daunting challenge of assuming the levers of government, a task for which they had little previous experience and or exposure. At the same time the process of writing a new constitution was underway. So in addition to focusing energies on creating new systems and procedures in governance, transforming or at least re-orienting old state institutions for a new public role, the challenge was to craft a lasting and meaningful contribution to a document that would not only be reflective of the values and aspirations of South African society in general, but one that would also arbitrate and diffuse political power between the Local, Provincial and National Governments. There was also the challenge of effecting a necessary separation of powers and functions between the Legislature, Executive and Judiciary and place proscriptions on the power exercised by Government. In addition there also had to be a prescription in the document for the manner in which Government had to function, the rules it had to abide by, the processes it had to engage in and the procedures that it should follow. More fundamentally, the Constitution embodied the rights and obligations that accrued to citizens and created unusually, a set of socio-economic rights that are enforceable by the courts to some degree. These include the right to have access to adequate housing, to health care services, to sufficient food and water, and to social security. The state is enjoined to “take reasonable legislative and other measures to achieve the progressive realisation”[3] of these rights. In this sense, as one Constitutional Court judge has put it, the central purpose of the Constitution and the system of democratic, parliamentary governance that it establishes, is to “deliver a social and economic transformation”[4].

Arguably, the years immediately following the 1994 elections saw an unprecedented level of collaboration between social forces for complete and comprehensive unity in action and purpose. Those assuming the formal levers of power in government consolidated alliances with social forces inhabiting the public space outside of government and engaged in a series of constructive partnerships that temporarily ignored the ideological and social cleavages that were to later manifest themselves in these situational alliances. Progressive social forces, the former Liberation movements, progressive Non Governmental Organisations, community and civic structures all contributed in some way to State building and the enterprise of constructing a new South Africa on the basis of non-racialism, non-sexism and equal citizenship that entitled equal benefits of social citizenship and a degree of relative equity in the way in which the State treated its public.

To meld and consolidate this historic project, the transition from apartheid to post-apartheid South Africa was being guided by the Reconstruction and Development Program [RDP], which had as its goal the mobilisation of “our people and our country’s resources toward the final eradication of apartheid and the building of a democratic, non-racial and non-sexist future”[5]. True to its intent, the RDP was supported vigorously by the coalition of social forces that sought the reconstruction of South Africa. What the RDP failed to account for in its popular mobilisation of one spectrum of the South African community, was the opposition to the RDP from other quarters - among them, the international community.

Initially, the international and domestic business communities were concerned that the RDP was an inflationary social-spending program intended to rectify years of apartheid injustices. Instead, the Government put into place austere measures aimed at promoting both foreign and domestic investment. After years of near zero growth, in the aftermath of the celebratory mood engulfing the country after the first democratic elections in 1994, together with the international communities embrace of what was considered the “South African” miracle, the economy grew at a rate of 6.4 percent in the fourth quarter of 1994, which brought overall 1994 growth to roughly 2.3 percent. Economic growth rates continued to steadily grow, reaching a level of “4.9% in 2005, the fastest growth rate recorded over two years”[6].

After initial excitement, the palpable unity of social and other forces was beginning to fracture. A manufactured consensus on the need for a particular type of transformation gave way to a diversity of approaches regarding the instruments to be used to achieve it.

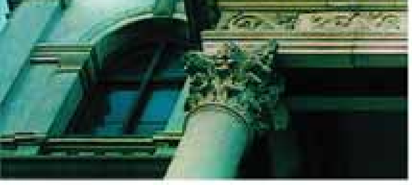
In response to the Governments austere fiscal policy and apparently conservative Macro-economic policy geared to stabilise domestic debt, and manage interest and inflation rates, as well as satisfy demanding foreign investors and global financial institutions such as the IMF and the World Bank, social forces in South Africa began inhabiting public spaces more independent and less tied to government than they had done in the period immediately after the 1994 elections. A multitude of partnerships with government continued and the emotional ties and support for the ANC [the ruling party in Government] as opposed to the Government itself - never waned – hence its legitimacy and credibility was never in question. But progressive social forces aimed on the one hand to assist government, and on the other formed a new and independent coalition of forces to address the skewed political economy of South Africa – something the Government was as yet unable to effectively do.

Social forces initially allied to government now adopted an increasingly oppositional stance, while at the same time engaging in partnerships with government to enhance the quality of life of most South Africans. Social movements and social forces in the era after the second democratic elections defined for themselves a different ideological agenda, one that saw them inhabiting public spaces in opposition to Governments plans for the privatisation of some state assets and impending plans to liberalise the regulatory framework in which the energy, communications and transport sectors functioned.

Social Movements and other social agents now began engaging the Government on a more independent, adversarial and negatively critical basis, heralding the beginnings of a renewed and more vigorous role for social movements in a new era of Southern African development. The unravelling of the immediate post apartheid consensus is a discursive trajectory that emerges from the limitations of South Africa’s transition, with new and surprising social and political contours emerging – increased levels of social inequality, both between races and within races, continuing poverty and unemployment which economic growth rates were unable to absorb, modest levels of economic growth with little widespread redistribution, and an increased share of economic prosperity for old elites and an emerging black technical and managerial occupational class.

Conclusion

Social movements constitute a diverse set of organisations: many organise at the local level; some in non-formal, non-traditional formations, others as community-based structures, which have a distinct and identifiable leadership and membership. Other movements modes of organization are different, some function as survivalist agencies and others as more politically oriented - established with the explicit aim of organising and mobilizing the poor and marginalised, “contesting and engaging the State and other social actors around the implementation of neo-liberal social policy. As a result they implicitly launch a fundamental challenge to the hegemonic political and socio economic discourse that defines the prevailing status quo”[7].The organisation of new social movements can variously be described as decentralised, non-hierarchical, anti-oligarchical, open, fluid, spontaneous and participatory. In general – social movements are very fragmented, in the sense that they are in some cases nationally based, or, in many more cases, locally based. They also mostly deal with a single issue or a single dimension of a problem, without an attempt to articulate it into an overall alternative political project[8], emerging as largely spontaneous social and political ruptures which are temporary in nature, ephemeral, due to the transitory nature of issues that they deal with impacting on their long term sustainability as a political project. This has led to a characterization



of the new social movements in the words of a British theorist, Raymond Williams, as "militant paticularisms".

Social Movements conceptualise the current political trajectory and its co-incidence with globalisation and the adoption of neo-liberal policies as forces seeking to undermine their citizenship rights and in the process of doing so de-legitimise institutions of governance and government that are meant to be institutions of Democratic Governance. State actors, on the other hand dismiss the social movements as ultra-left at best, and counter revolutionary at worst, and in the process both actors – in effect displace the fundamental economic, political, social and cultural transformation that could potentially result from constructive engagement and in the process, fail to give effect, content and expression to transformative impulses that animate the South African public imagination.

Notes

[1] *For a more comprehensive discussion of the evolution of "civil society" in post apartheid South Africa, see Adam Habib: "State-Civil society relations in Post Apartheid South Africa, South African Labour Bulletin, Vol 27, No.6. December 2003.*

[2] *See the public participation processes of the Constitution making and writing process*

[3] *Constitution of the Republic of South Africa, Act 108, 1996, section 26(2) and 27(2)*

[4] *Justice Kate O'Regan of the Constitutional Court at an IDASA workshop on 'The Judiciary and Social Justice', Cape Town, February 1998*

[5] *The Reconstruction and Development Programme, A policy document, 1.1.1. African National Congress, 1994*

[6] *SA's quarterly economic growth picks up. www.sagoodnews.co.za/search/economic/4683836.htm*

[7] *South African Labour Bulletin, Vol 27, No. 6 December 2003, p9.*

[8] *V Sridhar An Interview with Samir Amin : "For Struggles, Global and National" www.nu.ac.za/ccs*

From Democratic Enabling State to Democratic-Developmental State: Challenges for State and Civil Society

By Chris Landsberg, (Director: Centre for Policy Studies)

Introduction

If it was not clear by the 2004 national election, than it certainly became clear by 2005: South Africa has firmly entered the post-GEAR phase. The African National Congress-led government of Thabo Mbeki had finally learned some powerful, even painful lessons from the first decade of liberation. It had moved beyond the polarising macro-economic policy of Growth, Employment and Redistribution (GEAR), the largely conservative economic strategy, and started to confidently articulate the vision and elements of a progressive agenda. An "activist", "transformative", developmental state , and its new policy of an Accelerated, Shared Growth Initiative for South Africa (ASGISA). Government and powerful state actors appeared to have grown up: they started to assert their authority and policy sovereignty. The hope was that civil society would also come to show a new boldness and show a new willingness to engage the state[1], by moving beyond the sterile debate about GEAR and its constraints, and that civil society would join in the debate about the character of South Africa as a democratic developmental state, and what its constitutive elements would be.

From liberal democracy and GEAR to progressive governance and a developmental state

By 2005, the shift in ANC and government thinking had boldly and clearly shifted, openly seeking to put in place the building blocs of a democratic, developmental state. The ANC-

led government used powerful platforms and tools such as the presidential State of the Nation address and the ANC congresses and general councils to articulate the perceived progressive shift. In his 2005 State of the Nation address, delivered in parliament on 11 February 2005, President Thabo Mbeki made the case for South Africa to become a progressive, activist developmental state, in order to overcome the country's massive socio-economic challenges. Mbeki stated that the pressure of poverty and inequality in the country were overwhelming, and the gap between the "first" and "second" economies were growing; South Africa needed to achieve "higher rates of economic growth and development, and improve the quality of life of all our people, and consolidate our social cohesion"[2]. The state had to become more active to correct the failures of the market and to become more redistributive in its efforts to address the first/second economy divide.

The ANC's crucial National General Council of July 2005 called for the move to a "developmental state" that "must be conceptualised in concrete terms." For the ANC, the developmental state "is a state with a programme around which to mobilize society at large." It is also "a state with the capacity to intervene in order to restructure the economy, including through public investment." The ANC said that "capital must be engaged strategically." The task of building a developmental state in South Africa, said the ruling ANC, must address a number of challenges. It should:

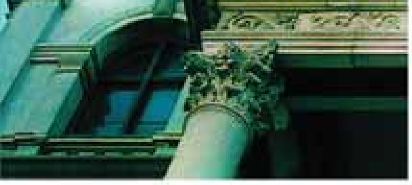
- Identify the kind of institutional reform, at the level of the state, which would be needed to establish an effective developmental apparatus;
- Build the requisite capacity and skills within the state to manage the tasks of development;
- Ensure that development finance institutions act in concert to back the overarching developmental approach, particularly as it relates to the transfer of resources from the "first" to the "second" economy; and
- Improving the capacity of local government and integrating development plans across all spheres of government.

What is noticeable is the limited emphasis on the role to be played by non-state actors; hence the accusation by many that the ANC harbours a largely technicist understanding of the developmental state. This is a serious omission by Government and the ANC's policy drafters. Because a more nuanced understanding and debate around the developmental state would facilitate prospects for deep and critical engagement with non state actors. For one thing, the debate would afford South Africa the important opportunity to construct its own development model – one suited for its conditions and circumstances. South Africa can now in a decisive way move beyond foreign imposed or borrowed economic and development models. It can also move beyond the "isms" debate, the sterile debate about "capitalism" versus "socialism". Indeed it is a serious debate for government and civil society alike, and provides society with the opportunity to carve out and articulate a unique, workable, and legitimate ideology, which could be supported by society at large. With this debate, South Africa, and other African states, can own their own ideology. We have witnessed encouraging signs in this regard. Both COSATU and the SACP recently confirmed that there is growing consensus within the Tripartite Alliance with the ANC over the need for a developmental state.

The debate is vital for other reasons too. If South Africans are serious about the developmental state debate, there should be little doubt that such a paradigm shift requires a sea change in attitude and approach from all actors: it calls for an engagement approach.

Conceptualising engagement

But we should have no illusions about the rules of the game suggested by engagement. Engagement means that there are encounters (or abilities to interact)



– co-operative, consensual, complementary and even combative and conflictual – that occur between actors on behalf of the state and actors located in society, within political, economic and social spaces. Implicit in the idea of engagement must mean the existence of a regime of rights and limitations within which this must occur, and that mechanisms, processes and procedures, or channels for engagement are defined. Engagement between the state and civil society means firstly that the space – political, economic and social – exists.. The instruments for facilitating engagement should thus exist. Fundamentally, engagement subscribes to a subsidiarity notion of power, in other words the notion that hegemonic power in some instances will need to be temporarily suspended, that there are moments at which the power and predominance of one party or actor will need to be contingently ceded to the other, and that at other moments they should be shared, whether between governments, state organs and organs of civil society or other social and political actors and forces. The subsidiarity notion of power is one that recognises that there are moments and instances when one party or actor [state or civil society], in encounters of engagement enjoy more widespread support, have better, more or priviledged information, more sound and cogent ideas or simply enjoy better access and have available more vast or superior resources. It is precisely at that particular moment or instant, that the power of the one, has to be ceded to the other - for the benefit of all. Subsidiarity notions of power imply thus that strategic and tactical considerations and calculations become a vital and continuous part of engagement, calculations guided not by the narrow victory of one party or actor, but a victory for both parties and all actors. Subsidiarity also implies a short term sacrifice of power, hegemony and dominance, or a short term sacrifice of an actors immediate gain or benefit. It implies not a complete cession of power, dominance and hegemony, but recognises its contingency, that it is a temporary suspension of dominance, power and hegemony in order to achieve broader social goals, but also recognises that this is necessary in order to shore up a future store, and build momentum for the development of greater future legitimacy and credibility, which in "terms of engagement" are the underlying preconditions for the exercise of power and hegemony. Subsidiarity is a recognition that engagement is necessary for the sustainability of legitimate power and hegemony. Subsidiarity of power is not blind to the fact that it is, or even that it may be, applicable in all circumstances and all conditions. It is not. But is applicable when actors who decide to engage each other are aiming for the same objective: A democratic, developmental State. It is also not blind to the fact that this occurs on the basis of co-operation and consensus, but is presciently aware of the moments at which subsidiarity needs to be strategically invoked at times of conflict. Subsidiarity is as much about co-operation as it is about conflict, and is as much about consensus as it is about contestation. Ultimately it is about a realisation of when its is cogent to temporarily cede power and hegemony to enhance co-operation, build consensus and resolve the contradictions wrought by conflict. It is to realise that contestation is a part of engagement, but not necessarily terminally antagonistic.

In the context of a democratic developmental State, this means that Government should not be arrogant on the basis of the mandate given to it through an election, and thus seek to monopolise power. Sharing power brings with it credibility, legitimacy and burden sharing. Civil society in turn should not be short-sighted and view its role merely as oppositional; it too should appreciate that engagement does not necessarily compromise independence and civil society's engagement does not automatically amount to complicity on decisions and political trajectories that it may ultimately reject. Engagement simply means contesting spaces and contributing ideas that should enhance, strengthen and promote the engaging actors' autonomy, independence and confidence.

What is a South African developmental state?

Professor Adebajo Adedeji makes the case for building a developmental state in South Africa. Bringing about such a state, he asserts, will require:

- Identification of state institutions whose transformation would be required to establish an effective developmental apparatus;
- Reconstitution and modernisation of traditional institutions and governance structures as part of the process of improving grassroots and local government capacity to mobilise and engage the people in the transformation of South Africa into a developmental state;

- Economically and technically empowering the people with the requisite capacity and skills to be in the drivers' seat in the transformation process. (In other words, an effective human resource development strategy is an imperative for transformation into a developmental state);
- A strong commitment by South Africa's political leaders to the transformation process, without which state coherence and autonomy will be lacking;
- A private-public sector partnership (PPP) is essential, requiring all stakeholders to be prepared to make the inevitable initial sacrifices to achieve important developmental goals; and
- A proactive policy of bridging the divide between South Africa's "first" and "second" economies which must encompass land and agrarian reform accommodating the mass of the people in productive and income-generating activities, and reducing and eventually eliminating dualism from the South African political economy.

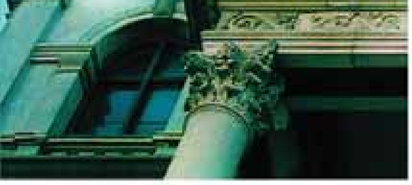
A developmental state is one, which is able and willing to create and sustain a policy climate that promotes development by fostering productive investment, exports, growth and human welfare[3]. It is able to promote and sustain development – in other words a combination of steady and high rates of economic growth and structural change in the productive system, both domestically and in its external relations[4]. Such a state can foster economic growth and development by transforming its economic base through productive, income generating economic activities that result in improving the lives of the citizens[5].

So, interpreting these definitions, it clearly follows that the developmental state debate has important implications. First, it calls for what Prof Ben Turok refers to as "a radical shift in mindset about development"[6]. It further suggests that all stakeholders and actors concerned about development need to become serious about participation and active engagement of such actors. All actors should be afforded the space and opportunities to participate in policy and governance processes, thus there can be no development in our society without a clear, active and decisive role played by the state. No state in the history of world affairs has ever developed without a pivotal role played by the state; a strong, capable state is a prerequisite for development. The development of the North itself demonstrates the importance of a capable and well-resourced state. By implication, therefore, a developmental paradigm must challenge the notion of the minimalist state as espoused by the Washington consensus; for in this conservative paradigm the state should merely play an enabling role for private sector development, and it is the capitalist market that is entrusted with development, not the state.

A fundamental goal of the developmental state is to prioritise development, and extract the financial resources from domestic and foreign markets and sources to fund help such development. This state type seeks growth so that resources can be used for reconstruction and redistribution. The fact that South Africa recently came out to prioritise the challenge of growing the economy by 6% is not misplaced at all[7]. Not only is it proper to place the idea of 6% growth on the agenda, it should be stressed that 6% economic growth is the minimum that South Africa should aim for.

A developmental state is able to base its development priorities on the realities of its society, and not that of foreign agents; it prioritises social issues such as education, health, employment, housing, and overcoming poverty. So such a state is able to determine its own priorities. Such a state must be determined to restore its policy sovereignty. The developmental state holds that, given the unique socio-economic and developmental challenges faced by developing countries, such as poverty and inequality, the state has to play an important redistributive and redress role.

The developmental state is no minimalist state; it is an enabler, a facilitator, and an intervener in order to promote development and equality, and improve the quality of life of all citizens[8]. Just like state actors, civil society has a vital role to play in



promoting the quality of life of the poor. Even the World Bank, IMF and others, who pursued ill-conceived policies in the 1980s calling for a “minimalist state” in Africa and the developing world, now grudgingly recognise that such imposed advice has been disastrous to Africa and the South, and has in fact set the continent back by years, if not decades[9]. Under this doctrine of the minimalist state, many developing countries have complained about the “donorisation” of their national policy terrains; some have even complained of processes of re-colonisation of their policy landscapes through policies such as structural adjustments[10].

A developmental state is necessarily people-centred

There should be little doubt that the democratic developmental state is necessarily people-centred, and people-centredness comes about through engagement, meaning here the existence and utilisation of the political, social and economic space for civil society and state actors to contest, challenge and collaborate, work in partnership and pool resources in order to meet developmental goals.

The point was made earlier regarding the fact that a developmental paradigm seeks first and foremost to put people first in development and governance; there can thus be no developmental paradigm without vigorous and active public participation in policy and governance processes. As such South Africa’s governing elite should have little doubt that a vigilant civil society will increasingly demand that government gives true meaning to the idea of a people-centred, developmental policy and governance processes. This means that policy will be coming a terrain for democratisation, and government will be – and should be – fiercely lobbied and engaged on issues of economic policy, poverty, democracy and development.

Civil society actors could and should latch on to the human security paradigm and demand that, and assist in, giving it greater prominence in policy processes. Active civil society will especially demand to have inputs into the shaping of South Africa’s social and economic policies. So South Africa’s social policies will continue to come under serious scrutiny. Government should open these processes so that they can help to outline the elements of a development paradigm; many civil society actors have expressed concern about the gap between promise and action in this regard. The African Renaissance discourse says that a real renaissance should involve a number of core elements: human security balanced it with state security, peacekeeping, peacemaking, and conflict prevention and resolution, good governance, democratic governance, human rights, democratisation, and accountable and transparent administration.

Civil society actors in South Africa and the rest of the continent should insist that there is a need for serious tightening up of the economic orthodoxy dimensions of national agendas. These should be overhauled and refined as a matter of urgency, and instead of just engaging in liberalist tactics by liberals on the one hand, or rejectionist tendencies by supposed radicals on the other, a progressive approach suggests that civil society should engage such programmes in order to make them progressive and developmental.

Notes

[1] See Itumuleng Mahabane, Financial Mail, 25 February 2005.

[2] President Thabo Mbeki, State of the Nation address, National Assembly, Cape Town, 11 February 2005.

[3] J. P. Pronk, “Changing relationships between state and society, and their implications for development policy”, Public Lecture, Centre for Development Studies, University of Groningen, Netherlands, 26 February 1997.

[4] Manuel Castells, “Four Asian Tigers with a dragon head: a comparative analysis of state, economy and society in the Asia Pacific Rim”, in R. Appelbaum and J. Henderson (eds.), State and Development in the Asia Pacific, Sage Publications, Hewbury Park, 1992.

[5] Omano Edigheji, A Democratic Developmental State in Africa? A Concept paper, Centre for Policy Studies, Research Report 105, Johannesburg, May 2005, pp. 4-5.

[6] See New Agenda, November 2005

[7] See Business Report, 30 November 2005.

[8] Chris Landsberg, “Toward a Developmental Foreign Policy? Challanges for South Africa’s Diplomacy in the Second Decade of Liberation”, in Social Research, vol. 72, no. 3, Fall 2005, p. 728.

[9] Ibid.

[10] South Centre, Towards an Economic Platform for the South, Geneva, 1998, p. 59.

State Civil Society Relations: Lessons from engagement

By Kirty Ranchod (Researcher: Centre for Policy Studies)

This commentary makes an explicit case for state-civil society engagement in South Africa. Some depict civil society organisations (CSOs) to include all institutions and organisations outside of government within which purview would include: trade unions, consumer organisations, the formal and informal welfare sectors, non governmental organisations (NGOs) and community-based organisations (CBOs), religious organisations, corporate social investment, employee assistance programmes, occupational social work and social workers in private practice[1].

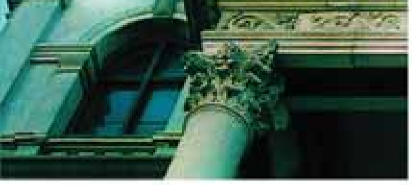
Civil society engagement can be viewed as imbibing political pluralism; this implies tolerance and accommodation of diverse views, passions, interests and demands in the public sphere[2]. It can also be defined in the context of political participation. This allows for the opening of the social and political spaces for ordinary people to participate in decision-making processes and in their own development[3]. Participation and engagement between specific organisations and the state should therefore be goal directed and seek to improve society. This article is part of a longer paper on state civil society relations and the lessons that can be learnt from engagement between the two.

Post-apartheid evolution

The first few years of the post-apartheid era was guided by the Reconstruction and Development Programme (RDP), which aimed to address the injustices of apartheid, and creating a viable, globally competitive economy, coupled with social welfare. The RDP was widely supported by a coalition of social forces. The creation of the RDP was an engaging, participatory process, which was inclusive and which helped to shape the RDP. However the programme was not well thought through in terms of the capacity of the State to meet the objectives of welfare and popular demand, while at the same time also trying to create a competitive economy.

Convinced that the RDP was a vision, not a full-fledged strategy, the ANC-led government decided in 1996 to change its macro-economic strategy from the policy imperatives of the RDP, to that of Growth Employment and Redistribution (GEAR). GEAR was a very well thought out policy strategy, which was conceived of in terms which were very different from the way in which the RDP was formulated. The most oft cited difference in comparing the respective evolution of the RDP and GEAR, was that GEAR came about through an exclusionary, rather than a participatory and inclusive process, and there was almost no civil society participation in its conceptualisation and formulation. An inclusive participatory process on the other hand, was what characterised the formulation of the RDP. Government also adopted an attitude declaring GEAR to be a non-negotiable policy strategy. Swilling and Russell posit that as a policy instrument, GEAR defined a central role for the for-profit sector in economic growth and service delivery, and for the non-profit sector in poverty alleviation[4], without these CSOs playing a role in deciding how their role was to be instrumentalised.

In 1997 the government introduced the Non-profit Organisations Act of 1997 and defined Non profit organisations [NPO's] as: "A trust, company or other association of persons established for a public purpose and the income and property of which are not distributable to its members or office-bearers, except as reasonable compensation for services rendered"[5]. Current roles envisaged by the government for NPO's, include watchdog and service delivery roles[6].



The government created spaces for managing relations between state and civil society while at the same time creating the space for social and political actors to engage with each other on issues that mattered to or affected them. One of these spaces was created through the establishment of the National Economic Development and Labour Council (NEDLAC). NEDLAC is comprised of four chambers, government, trade unions, organised business and the community constituency. The other mechanism is the Local Government Municipal Systems Act. The act provides for service delivery to be effected through a fully participatory process that includes NPOs.[7] Most institutionalised participatory mechanisms either exclude [as in NEDLAC] or through a process of self-exclusion see that some of the new social movements that use adversarial modes of engagement are not a part of many of the participatory processes. While the social movements constitute an important element of the vibrant civil society landscape, their self exclusion from some of the participatory processes available, casting them as process driven and ideologically loaded in favour of a neo liberal democracy that prejudices the poor and marginalized, rather than privileging them, see the social movements lacking depth in strategy in the sense that some important gains could be made if they tactically engaged in contested spaces that could potentially yield some important advantages for the poor.

In addition, the advent of GEAR in 1998/1999 has also led to the formation of many new social movements opposed to what they see as further entrenchment of poverty and inequality amongst South Africans. A number of movements have sprung up to defend the rights of the poor and disadvantaged to have access to basic services. Partha Chatterjee says these social movements mediate between the population and the state, but don’t fall into the same category as civil society. He goes on to state that they have four distinct features: many of its mobilisations are illegal, these include squatting, using public property, refusal to pay taxes, illegal service connections; and the use of a language of rights to demand welfare provision[8].

Civil society in its simplest sense, is made of organisations that interact with the state and seek to determine and alter its policies. While in most modern democracies Elected representatives have the mandate of the voting public to determine policy, they are equally mandated to see to the needs of their constituencies whose needs should in part determine the policy agenda. So while elections are a necessity in a democracy, they are not a sufficient condition for a proper democracy. A vibrant civil society, through NGOs, CBOs and social and other movements, together with ordinary citizens that are a part of the constituency of political parties and elected politicians therefore provides and creates other ways for popular will and demands to be expressed and met. However there seems to be a fair degree of ambivalence both within civil society organisations and between government and civil society organisations as to the extent and modes of engagement that should be proper in the post apartheid context with regard to both the extent of engagement and the nature of the issues involved. Critical to engagement is also the resources available to civil society organisations, where one analyst has posited that often “civil societies limitations lie not in its lack of energy or independence but its shallow reach: participation and engagement remains beyond many citizens who lack the resources to combine to act on their rights”[9].

In this regard it is important that the role of Community Based Organisations (CBOs) be recognised. Many community-based organisations work together with NGOs, implementing programmes at grassroots level, but are not privy to the same opportunities that large NGOs enjoy such as funding and networking opportunities. In addition CBOs often fill the gap that government cannot, by supplementing government activities and responding to community needs quickly. CBOs are however less formal organisations than NGOs and usually focus on a single issue like health care provision in a specific community.

CBOs play a very important role in society, as they have first hand knowledge of problems on the ground and can contribute in a unique way to policy development.

Local government in particular needs to engage them, as they can be catalysts for social reform. CBOs are often survivalist-based organisations that do not seek to change policy, but rather seek to provide services where there are none, or where insufficient services are being

delivered. Therefore local government needs to develop the social capital available and use it to the advantage of society.

A study by Knight, Chigudu and Tandon[10] touched on three components of a good society. The first component relates to the fulfilment of basic needs of citizens, the second concerns association with other people. The highest level was participation, and there are two aspects to this, equal rights, and responsive and inclusive governance: "Responsive and inclusive governance involves the eradication of corruption, favouritism, nepotism, apathy, neglect, red tape and self-serving political leaders and public officials. It means a democracy that works for [and includes] all"[11].

Lessons in engagement

In South Africa the political space for engagement has become available after 1994. *The South African Constitution*[12] offers to the people of South Africa a commitment to an open and democratic form of governance. Section 57(1) provides:

> *"The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory Democracy, accountability, transparency and public involvement."*

The nodal point of this vision is that people should participate in shaping their destiny, rather than restrict the extent of their participation to the episodic vote. This idea was captured in the RDP (Reconstruction and Development Programme) document:

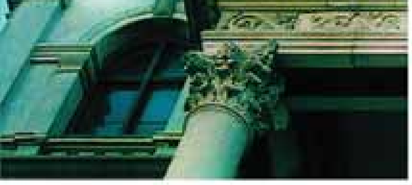
> *"Democracy requires that all South Africans have access to power and the right to exercise that power"*[13].

At the level of local municipal structures, the Municipal Structures Act makes provision for the establishment of ward committee's to facilitate public participation in local developmental processes at the base level of Government.

This right, it is suggested, "does not extend simply to the right to exercise an elective option of choosing a representative, but telescopes into a right to exercise influence over all decisions made by government. As with all constitutionally guaranteed rights, there are concomitant obligations that are implied that flow from this right. Having been granted this right to 'participate'- the responsibility of the citizenry is to comply, respect and uphold the legislative and executive decisions fashioned by a consultative and democratic process that encompasses public input"[14]. This challenge needs to be met and taken up.

Some methods of engagement have had more success than others. One method of engagement, mostly adversarial in nature, is mass protest which is just one way of taking up the challenge. Mass protest in particular, has served to highlight the grievances of the poor and the marginalized, but this has not always been followed up with constructive engagement with those who have the ability to effect changes in policy, resulting in small victories with no long-term policy change. The lesson that has to be learnt here is that protest and mass based activity has to be executed as part of a sustainable campaign with tangible and measurable targets and in addition needs to be followed up with policy alternatives which are realistic and achievable, together with strategic planning and communication.

Another, more successful method of engagement has been litigation, as evidenced in particular through the landmark case brought by the Treatment Action Campaign (TAC) against the Minister of Health to provide anti-retroviral [ARVs] drugs to pregnant women. The lesson here is that the courts are a useful and high profile way of getting the government to respond to demands made by citizens, especially in a democratic context with a supreme Constitution and a legitimate, credible and



independent judiciary. The findings of courts in this context have substantial impact and even where the court does not find in the favour of a particular party, it serves to raise the profile and substance of the nature of the issues brought before it.

The TAC has also had particular success with their high moral stand. Occupying the moral high ground has proved to be useful in strengthening the cause of the TAC, and weakening the government’s position on the issue of the provision of ARVs. The lesson to be learnt from this is that the voting public has a moral conscience and this is certainly a factor that has not been tapped into or used as strategically by other civil society actors as by the TAC.

It is a commonly known fact that conflict is often exacerbated by misunderstanding and negative stereotyping in the process of adversarial engagement. There is a need for both civil society and government to stop taking polarised and hardened positions in the debate on the nature of the developmental state and work together to ensure an end to inequality. Narrow notions of the dichotomy between state and civil society, and how state-civil society relations should be conducted should be discarded. Scepticism, mutual distrust and ambivalence between parties involved in debates about certain issues should be overcome. There has to be a stop to the 'us' and 'them' approach where in the context of the manifest challenges facing South Africa the common 'we' approach may be more constructive especially in moving towards a more open, participatory means of creating a developmental state.

A major problem that comes out quite clearly here is the lack of a pro-poor agenda. Some of the biggest civil society organisations have no clear agenda or way forward to affect change in this regard. The lesson to be learnt from this is that if the poor and, marginalized are to be empowered then those with legitimacy in the eyes of the government, such as Cosatu, Sangoco, IDASA, need to put this issue more firmly and more actively on their agendas and seriously present these to government. There is an urgent need to move past the stage of rhetoric and establish common values, goals and work towards these in ways which firmly define policy aims and instruments and how to achieve them, together.

Civil society should criticise government when necessary, as it is their job to be watchdogs of the people’s interest, but the lesson to be learnt is that in order to carry out the mandate of the people, it is important that government is engaged as they have the resources to do so - and they are in fact obligated to make sure that the will of the people is obeyed. But the will of the people, as Steven Friedman has pointed out, will only be able to be articulated and achieved when the state is penetrated into society and when civil society organisations are truly representative of and represent their constituencies interests.

Some of the methods employed by organisations have been aggressive and some have been cooperative. Which has been more fruitful? I believe it is a combination of various components, together with a keen sense of what is best for that organisation and that cause. Tactical responses have been most successful, especially if one looks at the experiences of the TAC. The lesson to be learnt then is that one method alone will not win the day, but rather a combination of knowledge and strategic responses to match.

Notes

[1] *www.polity.org.za/html/govdocs/white_papers/social97gloss.html*

[2] *“African Commitments to civil society engagement: A review of eight Nepad countries” by African Human Security Review http://www.africanreview.org/docs/papers/civsoc.pdf, August 2004; Accessed: December 2005.*

[3] *Ibid*

[4] *Swilling M, and Russell B. The size and scope of the Non-profit sector in South Africa. Graduate school of Public and Development Management and Centre for Civil Society. Knoxville Printers, South Africa, 2002: 8.*

[5] *http://www.acts.co.za/non_profit_org./*

[6] *Swilling and Russell; 5*

[7] *Swilling and Russell; 79*

[8] *State, civil society and the reconfiguration of power in post-apartheid South Africa by Ran Greenstein, Centre for Civil Society. http://www.ukzn.ac.za/ccs; p9*

[9] *Steven Friedman, “Getting better than world class. The challenge of Governing Post-Apartheid South Africa. In Social Research, An international Quarterly of the Social Sciences. Vol. 72: No.3 Fall 2005.*

[10] *Knight B, Chigudu H, Tandon R. Reviving Democracy: Citizens at the heart of governance. Earthscan Publications Limited, 2002*

[11] *Ibid; 79*

[12] *Constitution of the Republic of South Africa Act 108, 1996*

[13] *Reconstruction and Development Programme, African National Congress, Johannesburg, 1994 page 120*

[14] *Ebrahim Fakir, Policy and Political participation in formal political processes & institutions: An empirical & theoretical exploration, DISCUSSION PAPER presented to the French Institite in South Africa (IFAS) Research Workshop 4&5 February 2005 on :“Decision-making and the transformation of public intervention in Southern Africa: policies, actors and interest communities.”*

The Role of (SA) Civil Society in defining the Security Agenda

By Jabu Dada, Centre for Policy Studies

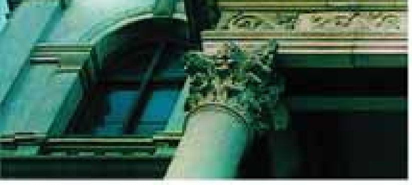
Introduction

Government and dominant civil society actors seem undecided regarding the framework within which they should engage each other in relation to policy formulation and service delivery. In the process of engaging each other, they often question each other's legitimacy and commitment to transformation. Societies in general and developing societies in particular, require that both these very important forces resolve their issues and proceed to play their roles as required in the national development effort – especially in a developing country like South Africa.

In the state-civil society debate, it should be recognised that civil society is a diverse entity, and that not all of its policy contributions and activities can be regarded as progressive and/or oriented towards social transformation. Nevertheless, there is a critical mass of what can be termed, "progressive civil society", which by and large gears its activities to contribute to the transformation effort. Equally as much, government is a complex entity that itself is not homogenous and is constituted by a diverse set of individuals with different persuasions that form a part of the public service. Elected representatives too, are a diverse collection of individuals with different ideological persuasions, even though they might form or belong to a single political party. In South Africa, the current governing party, once a liberation movement, enjoys a store of legitimacy and credibility and largely enjoys the sympathies of large parts of "progressive civil society". At the same time, many important decision making positions in government administration continue to be held by people whose commitment to the reconstruction and development agenda is at best questionable, at times downright non-existent. At times some decisions and programmes in government have lacked consistency with proclaimed priorities. What prevails then, are two forces, the State and Society, who seek to engage each other, yet miss important nuances of the diversity that characterise each other and who fail to recognise that each is complex and sometimes contradictory, often susceptible to change.

There is a need for Government to recognise the intellectual capital and potential for innovation that civil society has to contribute to political and policy debates. In many instances, civil society formations have better access to marginalized communities that government policies intend addressing. Civil society actors have some potential to contribute to robust policy development and form partnerships with certain state institutions in order to deliver services as they demonstrated throughout the Apartheid period and immediately after the transition and indeed during the process of establishing post 1994 social policy. There needs to be a recognition that many civil society actors can potentially be a force for good in the reconstruction and development effort, even as they maintan their independence and retain the right to criticise policy and political positions they disagree with.

On the other hand civil society actors need to recognise and appreciate the influence they may have had in the policy formulation process since 1994. This should indicate to them the potential they have should a proper relationship with government be established. Civil society actors need to be less afraid of conflictual debates over complex issues or when polar positions on issues predominate. The ability to weather the storm of controversy and risk criticism, if that is what the national development effort may require, will probably be necessary.



This suggests that there are common challenges facing both government and civil society: including, poverty, disease, underdevelopment and illiteracy. This should be remembered even when the inevitable disagreements occur. When disagreements about policy goals or the instruments used to achieve them occur there is a need for civil society actors to move away from the narrow focus on protest, and recognise that engaging with a progressive government requires a more creative approach. Progressive civil society needs to be willing to defend and deepen the progressive gains that could be achieved from certain government policies, while at the same time retaining the right to be critical of policy positions that in their view do not promote progressive outcomes.

In the security arena, new forms of military politics, of state repression and of political violence have emerged behind the façade of political and economic liberalisation disguising the social, political and human security problems and contradictions they express. This creates new problems for analysis, both for civil society actors and for apparent democratic governments. The South African transition, and the establishment of a democratic society based on the values of rights, responsibilities and openness saw extensive state society engagement in the formulation of defence policy and serves as a good example of productive and progressive state-civil society engagement.

Civil Society Participation in the South African Security and Defence Policy Process, 1996-1999

This process lasted over four years and is arguably the most elaborate consultative process in the history of South African policy processes. Parliament and the Joint Standing Committee on Defence were extensively consulted by the Ministry of Defence, the Executive Department of Defence and its Policy Unit, in the process of drafting the White Paper on Defence Policy. This consultative process extended into provinces where church leaders, non-governmental organisations, academics, business and community leaders were consulted further by the Department of Defence, which signalled its commitment to engage civil society actors. Given the history and role (outlined below) of the apartheid security paradigm, this radical shift is particularly important given the secretive nature on which the security discourse had hitherto been conducted and in addition this demonstrated a real commitment by both civil society actors as well a State Department to change the terms on which the discourse was conducted – away from a secretive, closed exclusionary process towards a more transparent, inclusive and consultative one.

This is further evidenced by, "Chapter 2, Military Professionalism", of the South African White Paper on Defence – 1996, which sets out the following political, ethical and organisational features that give legitimacy to the defence force and the general security apparatus in post apartheid, democratic South Africa:

- Acceptance by military personnel of the principle of civil supremacy over the armed forces, and adherence to this principle.
- Adherence to the values enshrined in the Constitution, National Legislation and International Law and Treaties.
- Respect for the democratic political process, human rights and cultural diversity.

In the same section under the sub-heading – "Relations with Civil Society", the White Paper states: "The SANDF shall conduct itself with honour and dignity, and shall abide by the provisions of the Bill of Fundamental Rights in its interaction with civil society". Furthermore, it states that the Minister and the Department of Defence (DoD) shall consult with interest groups and stakeholders in civil society in the formulation of defence policy, and shall provide the public with adequate information on defence matters.

These are clear policy commitments that demonstrate political will that civil society could use to hold the government accountable where necessary. For an example, the White Paper on Defence, which elucidates the broad concept of security, encompassing all aspects of human security, stating unambiguously that the greatest threats to the South African people are of a

non-military sort, was the product of a process of engagement between state & civil society.

Civil Society's involvement in the development of both the White Paper on Defence (1996) and the subsequent Defence Review (1998) provides a few specific pointers as to how the process of drawing up the policy documents evolved.

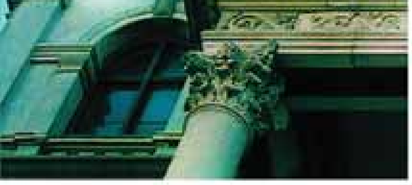
During the Apartheid era defence policy and the security agenda of South Africa was defined and led largely by white Afrikaner males. In addition, the process of defining and deciding on a role for the defence forces and security apparatus under Apartheid was constructed in a manner that sought not only to maintain racial oppression but was conducted in a manner that was secretive, non-transparent, closed, exclusionary and usually simply by executive decree, which as a matter of fact was much the usual way in which the Apartheid State conducted its politics and its policy. In large part this was acquiesced to and indeed supported actively and tacitly by beneficiaries of the Apartheid system. Naturally there were a part of the beneficiaries of the Apartheid system, both White South Africans and those in Bantustans, that attempted to oppose or protest against this state of affairs, but they were, a small minority in the broader scheme of things.

The statutory armed forces were, therefore, an instrument of racial oppression. Defence policy was aligned to a national security agenda aimed at maintaining white supremacy. The Total Onslaught Strategy or the National Security Management Strategy (NSMS) were key pillars of defence policy and effectively defined the military and its role as a shadow government. Parallel to this was the mobilisation of the white population and the Bantustan [the TBVC States] administrations in defence of the Apartheid status quo. The emergence of the armed struggle from the side of the liberation movement, evolved over time into a vision of a people's war, meant to translate mass resistance into a full-scale military offensive against the apartheid regime. To this extent, popular movements and social forces operating on the terrain of civil society were being mobilised by the liberation movement as the centre of a strategy of a people's war. In both paradigms – NSMS and the People's War – civil society was an essential strategic, military and political component.

The NSMS was an institutional apparatus developed alongside the formal structures of the state. It included community leaders, businessmen, and influential personalities within local and regional structures and at its apex, with overall coordinating and decision making power was a structure run buy the military. From the side of the liberation movement, civil society was woven together for mass mobilisation, parts of it drawn into the political underground activities of the broader anti-apartheid movement and a part of civil society was mobilised directly into the military structures of anti-apartheid insurrectionary activity. As the hegemonic section of the anti-apartheid movement attempted to move tactically beyond armed resistance into a fusion between armed resistance with mass breakthroughs in 'civil' liberated zones in the 1980's, the institutional welding of anti-apartheid political, social, cultural and military structures became a major challenge.

Transition

Through the negotiated Constitutional settlement, the amalgamation of statutory (South African Defence Force (SADF), and Transkei Boputhatswana,Venda and Ciskei (TBVC) States armies) and the non-statutory Umkhonto we Sizwe (MK) and Azanian People's Liberation Army (APLA), became a major challenge. The integration of former enemies with different ideologies, cultures, operational modes, command structures and resources together with different racial and identity demographics, meant that there was little trust among the newly constituted South African National Defence Force. Secondly, from the side of the liberation movements (ANC, PAC and AZAPO) there was insecurity and intense debate and indeed speculation,



whether the transitional phase of amalgamation could genuinely be defined as integration or whether it was merely an absorption into the old SADF under a new name? This debate and speculation was evidenced by protest marches and demonstrations by members of the former MK and APLA forces which raised unhappiness with the prevailing culture, command structure, rank designations and general culture within the SANDF . Furthermore, splinter groups from MK and APLA formed a Movement for Total Liberation which militated against the fact that the "sunset clauses" from the negotiated transition curtailed and minimised their prospects for appointment in the new SANDF to certain positions within the new SANDF hierarchy. It was not simply appointments that they were unhappy about, or the ranks at which they would be appointed, but that the ranks would come with different terms of employment with differential access to benefits that they felt would prejudice and disadvantage them. In this context then the establishment of a new security apparatus and defence force along with the elaboration of a new defence policy and security agenda became critical.

While the segment of civil society associated with the NSMS came to eventually be largely demobilised, civil society aligned to the national liberation movement remained within the new democratic order as another agent contributing to the deepening and consolidation of democracy. This has helped to ensure that the policy-making process could not be top–down and imposing, instead it had to be consultative and involve civil society. Our defence policy experience has been largely participatory, transparent and informed by an agenda of democratising relations between civil society and the military. In addition, an ongoing debate about national security and what its constitutive elements are, among academics and defence policy practitioners, also introduced a wider conception of security into policy discourse.

The contribution by State and civil society in a participatory process of engagement facilitated a departure from defining national security as the notion of protecting the sovereign state from external military aggression. The new discourse can be credited with redefining security to include internal societal challenges such as poverty, unemployment, inequality and inequities in the access to; and distribution of land, healthcare, education, welfare and employment and economic activity.

Actual experience

Within the defence policy-making realm, two major policy-making processes were undertaken by the democratic government: the defence white paper and the consequent defence review. The former initiative concentrated on defining the white paper and the resultant defence policy of the armed forces, while the review looked at issues related to force design, doctrine, posture and size. Civil society engagement and participation with the defence white paper process began at the conceptual stage, but also entailed actual participation in substantive policy formulation processes and in the drafting process. The involvement and participation of civil society was as a result of the democratic space that existed, the political will on the side of government to include civil society in the process and more importantly, the vibrancy and purposive inclination of civil society to assert its agenda. In the context of the defence white paper, civil society argued for demilitarisation, focusing on the peace dividend through cutbacks in defence expenditure and in civilian control of the military.

Civil society engagement with the defence review concentrated on actual participation in negotiating and drafting theme-based foci, dealing with all the twelve chapters of the review. In particular, civil society flagged and contributed significantly and substantively to the following aspects of the review: the redistribution of land used by the military for more productive use for housing, community resettelment on land appropriated by the apartheid state for use by the SADF, the conversion of redundant military bases for local community development attuned to human development.

Implications

In general the impact of civil society engagement with the defence policy review process achieved a consensual agreement on a defence policy framework for the country.

Synopsis

A major benefit for South Africa has been a policy outcome enriched by civil society participation through debate, inputs and submissions, and in civil society providing leadership through convening and setting an agenda in policy theme forums.

With the achievement and the inclusion of the goals of civil society into overall policy objectives and directives this served to re-enforce national reconciliation, peace, trust and a relatively stable democracy with substantially improved civil-military relations, distinct from the pre ’94 era in which large parts of civil society had an antogonistic, mistrusting, combative relationship with the military who served as an instrument of oppression and subjugation and thus enjoyed no credibility, legitimacy and respect from the majority of South Africans.

Most importantly, the constitutional accountability of the new South African military has been entrenched, thanks to the policy engagements of civil society.

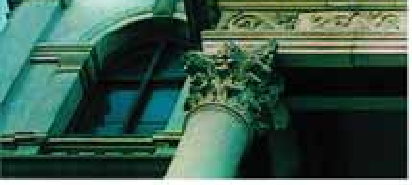
Finally, the containment of the military to within the borders of South Africa’s fledging democracy, rather than allowing it into subversive cross border forays aimed at destabilisation in the region, achieved through having open and transparent civil society involvement in defence policy processes, together with the consensus achieved between government and civil society through a process of engagement, enhanced the international credibility and support for the South African transition.

Lessons

The existence of a vibrant, vigilant civil society can never be over-emphasised. In most developing countries civil society has either been eclipsed by powerful centralised states or has been demobilised. This is particularly so in the context of elite led transitions to democracy. Many pro-democracy and second independence movements in Africa have been prone to the latter experience. Our own history underlines the need to ensure the further evolution and flourishing of civil society under democratic conditions.

The independence of civil society is necessary to ensure that policy reform is not static. Many political rulers and policy makers have often perceived civil society as a threat and have absorbed civil society into a co-optive corporatist arrangement or have corrupted civil society through the politics of patronage and clientelism. Sometimes political parties have assimilated civil society such that a conflation exists between state, party and social movement. Governments that keep an open mind about the role of civil society actors enjoy a greater degree of support, legitimacy and credibility, but also get the buy in, consent and sometimes outright support to govern. In addition, civil society, as the governed, in this kind of engaged, open, transparent, accountable participatory context also draws government's attention to critical areas of policy, or blind spots in governance, which if appropriately addressed, enhance democracy, governance and service delivery.

If policy makers accept the need for civil society participation, this cannot be designed merely to elicit the acceptance of the state’s policy agenda. Participation in policy formulation processes need to make the space available for civil society to define the conceptual basis of the discourse within which engagement occurs. But civil society also needs to recognise that the substantive policy agenda will ultimately be managed by the State, who usually have the resources, and in truly democratic contexts, the credibility to substantively contribute to shaping and constructing the terms on which the instruments of policy are eventually leveraged. Co-management of policy by state and civil society actors is the ultimate prize in a democracy, but in many developing country contexts, newly democratic states, and civil societies will have relative strengths and weaknesses, and different values. These need to be appropriately identified and recognised, as the diversity of value orientations and strengths negotiated through a process of engagement yield tangible benefits for society in general, rather than for particular stakeholders that stand to benefit



from them. These dynamics need to be recognised and understood as part of a policy cycle in which civil society also has the prerogative to initiate policy reviews to further enhance the policy frameworks. The example of state society engagement in the defence and security sector amply demonstrates this point.

Changing roles and challenges of the Nonprofit Sector in South Africa

By Malachia Mathoho (CPS Researcher)

Introduction

Civil Society is defined here to mean associations of professionals, workers, women, students, employers, journalists and consumers; religious organizations, recreational and cultural clubs, human rights groups and, some would add even political parties. Civil society contributes to building democracy by fostering political pluralism, engendering democratic values, enhancing participation in public life, and in some instances taking responsibility for doing things that are usually done by the State, for example assuming service delivery and social welfare functions). It is also true that some civil society actors are simply oriented and inclined towards serving them or their members own narrow interests.

Variety and relevance of civil society organizations (CSOs) in South Africa

Some civil society organizations perform parallel functions while others established to undertake a diverse set of activities, pursue many interests and are driven by different motives. Many CSOs present themselves as the sole representatives of large groups of people who necessarily share the same values or functional interests. Many CSOs, particularly anti-apartheid organisations, have definite direction and purpose (most were formed to fight an oppressive state and create a non-racial SouthAfrica).[1]

Most established CSOs in South Africa could be classified into four categories:

- Political and democracy-enhancing;
- Economic and developmental related;
- Health, welfare and social justice;
- Education and training, or human resource development.

The above categories can still be said to describe various types of associations, on the basis of varying degrees of formality. They can either be:

- Voluntary associations
- Trusts
- Not-for-profit (section 21) company

Given that the Apartheid regime in South Africa pre-1990 was regarded as undemocratic and illegitimate, foreign donors saw CSOs as legitimate vehicles for channeling funds to apartheid victims and fighting human rights abuses. When the apartheid regime was incapable of, or deliberately chose not to deliver services to many black South Africans, it inadvertently gave rise to an anti apartheid civil society that became more organised and spread out in order to contend with the ravages wrought by apartheid. Thus the 1980s saw the mushrooming of CSOs that filled the service gaps created by the apartheid state's separate development policy, and in addition mobilised against apartheid.[2]

Synopsis

Many CSOs expressed a strong commitment to values and principles such as social justice, equity, non-racialism, gender equality, human rights, democracy and freedom. Many engaged in extensive programmes and wished ambitiously to do more, should they have had greater access to resources. After the demise of Apartheid, many CSOs needed to find a rationale for their existence. In addition, with the transition in South Africa, Donors defined different priorities and chanelled funds in different ways. Many donors engaged in direct bilateral relations with the democratic government and at some point in the post apartheid era Government developed some antipathy to CSOs. The amount of resources that donors were intent of expending was either diverted to other areas of priority, which CSOs found difficult to adapt to or curtailed the amounts of aid and technical assistance that they were able to give.

The environment therefore had changed, and this change occurred not only in the political environment but also in the funding arena. Many CSOs struggled to survive; they seem unable to develop programme priorities and strategies to achieve these visions. It also appears that many CSOs formulate their objectives and priorities without linking these to available financial resources or organizational capacity. It became clear that many CSOs formulate objectives as a way of appealing to and attracting funders[3] in a tough, difficult and competitive funding environment.

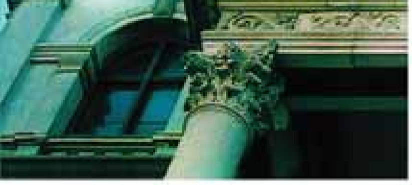
Many organizations also appear to have begun performing similar functions, offering similar services, serving broadly similar beneficiaries, and hence duplicating one another's efforts. Very few CSOs specialised, which means that competition for funds has become very tight as organizations operated in similar policy sectors, regions or communities and offered generally similar services[4]. The escalating number of civil society organizations pressed the post apartheid government to consider the use of normative and policy instruments in terms of which CSOs could be established in South Africa.

These include:
- the units must be substantially autonomous from the state, primary groups and the clientelistic relationships which may bind them to such groups
- this means that they should be trans-ethnic, trans-regional or trans- racial in character
- they should have a measure of organisational continuity
- their internal structures and processes must be democratic
- members of each unit should tolerate each other and differing units; and
- the state must recognize and protect their corporate existence[5].

CSO autonomy and relations with government

A vibrant society needs an active civil society, which is independent from the state. Many civil society organisations remained active after apartheid although some had shifted and changed their goals and objectives, as well as their relationship with the state. Civil society after apartheid had no choice but to change their programmes, to make their programmes relevant and match community needs in the new dispensation. Although there were many claims that the government after apartheid had intentions of co-opting civil society, large numbers of civil society organizations remain independent and survive through donor funding.

The real fears of CSOs about the loss of their independence should not be underestimated. There is a danger, though, that if they are taken to their logical extreme, the result could render many CSOs blind to the long-term benefits of a close but critical engagement with all actors in policy processes. The involvement of CSOs in democracy enhancing activities unavoidably places them in a position where interaction with all kinds of policy actors, including political parties, the state and its agencies, is inevitable. A close working relationship among these actors might therefore not necessarily be a one-way process leading inexorably to the co-option of CSOs by the state[6].



The relationship between developmental CSOs on the one hand, and the state, its policies and structures on the other, became an area of concern with the transition to democracy in South Africa. It was not a major issue during the apartheid period, in which progressive forces did not generally challenge the prominence of the state as such. Rather, they challenged the specific uses to which state power was put[7].

How civil society should engage with the state has raised much debate in post apartheid South Africa. One advantage of independent CSOs is that they can hold government accountable and responsive. The character of both, apartheid-era and post-apartheid era civil society, its role, and the nature of its interaction with the state raised the question for what constitutes civil society. Whether liberation movements were ‘civil society’ in apartheid South Africa remains controversial since, by some definitions organs of civil society interact with the state but do not wish to take it over[8].

Enhancing policy making processes

Policy-making is a continuous, cyclical, process in which decisions are constantly shifting and problems constantly redefined. The factors influencing policy directions are also numerous. Ideologies informing the nature of the policy-making process in South Africa stem from an attempt to reverse a racially exclusive state whose relationship with civil society were largely adversarial. Despite common perceptions that public participation in policy-making process is used to legitimate government policy rather than provide genuine influence, South Africa’s democratic state does provide formal channels for public participation and, the very least, tolerates confrontation.

Participation by CSOs in public-policy making provides a crucial indicator of their involvement in the democratic process. South African civil society use various ways to influence or participate in the state policy making process. There are different forms of participation in the policy making process which CSOs can use, participation in the form of lobbying, forums, mobilizing pressure groups, workshops and seminars, the media, negotiations with the state and other stakeholders, and petitions to the state[9].

A survey done on civil society in South Africa[10]shows that (65,5 percent) of the surveyed CSOs participate in the formulation of government policies (white and green papers). This is not surprising, given the large volume of new policy directives emerging from the new state, which has resulted in many green and white papers. Participation in the process of formulating green and white papers involves CSOs making written submissions and comments to the relevant ministry.

Conclusion

While South Africa is led by a government that has committed itself to the welfare of its citizens, and the need to overcome the legacy of past misrule, the state is still burdened by the same bureaucratic mentality and organisational culture that prevailed under apartheid. Civil society organisations in South Africa faced the hardship of an illegitimate government and apartheid laws that hampered their operation.

In the new democratic dispensation the paradigm shifted, CSOs are facing different challenges as compared to the apartheid era. In the apartheid government, CSOs never got an opportunity to participate in the formal policy making process, nor to influence state policy. CSOs have sufficient opportunity to participate, influence and challenge government policies in the current environment. If they wish they can form partnerships with government and take on some of the government’s responsibilities. For effective policy challenge and influence, CSOs in South Africa need strong networking and clear focus and direction.

Notes

[1] Kihato Caroline, Shifting sands: The relationship between foreign donors and South African civil society during and after apartheid, page 5, Centre for policy Studies, August 2001.

[2] Ibid.

[3] Kihato C and T Rapoo, An independent voice?: A survey of civil society organizations in South Africa, their funding, and their influence over the policy process page 23, Centre for Policy Sudies, 1999.

[4] Ibid, page 24.

[5] Ibid.

[6] Kihato C and T Rapoo, An independent voice?: A survey of civil society organizations in South Africa, their funding, and their influence over the policy process, Centre for Policy Studies, 1999.

[7] Greestein R, et al, Civil Society in South Africa: Opportunities and Challenges in the Transition Process, CASE page 3, June 2003.

[8] S Friedman, Introductory perspectives, in Humphries & Reitzes (eds), Civil Society after apartheid.

[9] Kihato C and T Rapoo, An independent voice?: A survey of civil society organizations in South Africa, their funding, and their influence over the policy process, Centre for Policy Studies, 1999.

[10] Ibid.

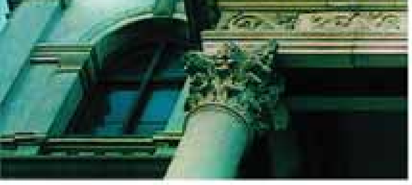
Co-operative partnerships – a new form of Civil society engagement

By Richard Smith (Peace-building Manager - Centre for the Study of Violence and Reconciliation)

This contribution is informed by a conflict transformation approach to engagement that is guided by a shared vision and by a common set of principles and values. These principles and values have been developed collectively by an emerging group of social activists from across the developing world whose consciousness is shaped by a context of extreme violence and extraordinary resilience. These organisations are organised into membership organisations like the Coalition for Peace in Africa and ACTION for Conflict Transformation[1] and are guided less by an explicit working class consciousness and more by a commitment to social transformation born out of the politics of oppression, marginalisation and survival.

The sharply contested debate currently surfacing within the South African context, and the unfortunate tendency to reduce the discussion about the relationship between state and citizen to one in which the binary opposites of capitalism and socialism are still sharply juxtaposed as the only options available in defining the best way forward in resolving inherited social contradictions from apartheid which continue to define features of South African life, stymies debate about the most opportune terms on which engagement between state and society can occur. The search for solutions to the stark economic and social inequities and the interrelationship and large coincidence between race, identity , class and economic opportunity that continue to characterise South Africa, and much of the African continent and the developing world, needs to go beyond the narrow confines of ideological binaries. The debate and the credentials of the arguments that are put forward within this limiting framework are often first scrutinized in terms of the class credentials of those making the contribution, regardless of the merits or demerits of the arguments themselves.

I will try to present an argument that, it is precisely this paradigm that limits our abilities, as citizens in a developing country faced with a constraining domestic and global reality, to implement strategies that will most effectively deliver on the social



and economic human security agenda we all so clearly articulate as necessary. A paradigm shift is required that recognises and values the contributions of a much broader movement of progressive forces and that sees constructive engagement between these forces and the state as imperative in giving substance and practical meaning to progressive and sustainable development , especially in a context where both State and Civil Society express a commitment to a democratic developmental State.

Let me begin by using a definition of the developmental state as espoused by Joan Fubbs, the ANC women's league activist, Member of Parliament and of the Finance Portfolio and Joint Budget committees[2]. Fubbs correctly points out that a developmental state is "a system of good governance and not a government. It is a state that moves away from authoritarianism and acts as a catalyst to unlock the resources of the state and to use its capacity to develop an enabling environment to improve the quality of life of its people." It is precisely this understanding of the state as a set of systems and processes that points to the contested nature and terrain of the state itself, and by implication, contestation on the nature of the developmental state.

At its July 2005 National General Council the ANC reflects on how all progressives should be engaged in building a particular kind of state; the passage reads, "In many international cases the developmental state has been characterised by a high degree of integration between business and government. The South African developmental state has different advantages and challenges. While we seek to engage private capital strategically, in South Africa the developmental state needs to be buttressed and guided by a mass based democratic liberation movement in a context in which the economy is still dominated by a developed but largely white capitalist class"[3].

In the Bua Komanisi SACP central committee discussion document of May 2006 arguments are put forward for the need to build a progressive developmental state. It goes further to argue that in order to achieve this, there needs to be an offensive against the problematic axis between ANC elected representatives and state managers on the one hand - and emerging and established capital on the other. It argues for an "active disruption of the political/elite capital axis"[4]. Certainly it is true that the concept of a progressive developmental state that delivers effectively for the marginalised within our society will need to challenge and change the realities of an elite dominated context both at home and globally. Indeed it is precisely this global reality, and the way it manifests itself domestically that presents all of us with our greatest challenges.

This reality, dominated as it is by a neo-liberal discourse is well captured in a policy brief by Vollenhoven, a South African academic at Stellenbosch University, who talks to the unequal structural relationship between developed and developing countries, the unfavourable international trade regime, the domination of the industrialized countries and the potential of the International Financial Institutions and the rapidly globalizing economy to bypass the developing economies of Africa[5]. But Vollenhoven also correctly points out that these global realities, and the symbiotic relationship domestic capital has with this reality, is not a reality that needs to go unchallenged. Indeed the same arguments in the Bua Komanisi that call for the active disruption of the domestic forces that mitigate against social transformation should be applied to the need for the active disruption and transformation of the global systems and structures that work to exploit and marginalise.

Unless this global and domestic set of systems and structures can be transformed all of our efforts at home are unlikely to fundamentally create a better life for all. But the task of achieving this presents an enormous set of challenges, both for civil society and for governments of developing countries. It is this shared set of challenges that lead the argument for the creation of a cooperative partnership between the state and its citizens.

This cooperative partnership would be defined by an understanding of a participatory democracy that deliberately creates opportunities for an empowered and organised civil society to engage effectively in strengthening policy formulation and implementation processes[6].

A cooperative partnership with the state would first require civil society to deepen its own level of organisation and find ways of working cooperatively within itself. This deeper level of organisation would enable both the state and civil society to engage far more effectively with those forces intent on accumulating profit at the expense of the real needs of the overwhelming majority. It will require a long-term commitment to a common agenda for change and a shared recognition of the value of working cooperatively. At the same time such cooperation would not negate or exclude the critical role civil society may need to play, nor would it exclude the value of mass mobilisation and protest as a strategy or tactic in relation to particular issues. Within the framework of a cooperative partnership such strategies and tactics would have the potential to ensure that the reforms we are able to introduce in the process of struggle would be informed by a commitment to transform the underlying systems and structures that are at the root of the problems we share collectively.

It is here that the debates about capitalism and socialism and our relative degrees of commitment to revolution, and the course that revolution should take, become an obstacle to effective struggle. What is required is the building of a broad movement of social forces that are organised progressively and committed to a transformation agenda that takes and builds on the progressive aspects of the neo-liberal agenda and works against those aspects that are exploitative. This global movement should not become confused between principles, strategies and tactics but will need to be clear on its analysis of the objective and subjective forces that create or deny space for moving the transformation agenda forward.

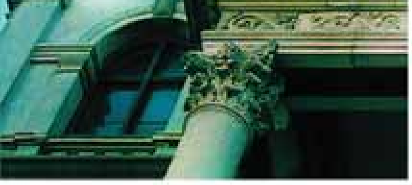
A question always surrounds whether or not there is the space to effectively engage. This applies both to an analysis of our current domestic systems of governance as well as the space on the global governance level.

In some ways the basis of a cooperative partnership is already there, at least on paper. Thabo Mbeki, at the much-feted Growth & Development summit argued that “Underpinning this assembly of South Africa’s leaders is the common understanding that successful societies are built on the foundation of common purpose. One of the most important features of our system of governance is to ensure consultation and dialogue, in order to build not only a shared national vision, but also in practice to attain unity of purpose and action”[7].

Not only locally but also on the continent the spirit of what is said is the same. In his inaugural address as first president of the African Union (AU) in July 2002 President Mbeki went further to argue that, “We must build all the institutions necessary to deepen political economic and social integration of the African continent. We must deepen the culture of collective action in Africa, and in our relations with the rest of the world…. We must work for a continent characterised by democratic principles and institutions which guarantee public participation and provide for good governance”[8].

There is every indication that through its foreign policy direction the South African government recognises the need to challenge and transform the global realities within which we pursue our own development. Both the AU and the New Partnership for Africa's Development (NEPAD) have agendas aimed at building a power base from which more significant challenges can be made to this global reality. South Africa has engaged considerably with the United Nations (UN), particularly around Security Council reform, the non aligned movement, and the India Brazil South Africa partnership, in efforts to build allies and foster change. Efforts at Doha and in pursuit of World Trade Organisation (WTO) trade reforms and commitments to positioning ourselves as a strong global player add further weight to this.

But perhaps there is also a growing recognition within government of the limited impact this engagement has had in producing any substantial or significant shifts in the global domination of the industrialised countries and the interests of accumulated



capital they protect. It is this apparent failure to make significant advances that speaks again to the need for a cooperative partnership that minimises the time and energy spent on criticizing and maligning each other as civil society and government and that recognises that the pursuit of a human security agenda as being in all of our interests, that respects our bona fides in pursuit of this agenda, and that accepts that the achievement of this agenda is not a short term overnight coup de tat, but rather a long term commitment to change, that understands transformation and revolution as a process rather than an event.

Perhaps the forging of such a partnership will strengthen our own ability as civil society to present sustainable alternatives that meet the socio-economic human security needs of citizens, within a representative system of governance that values and respects the contribution of civil society. We need a partnership that strengthens governments ability to challenge a global balance of forces that they cannot take on alone and that enables progressives at home to be led by a government that, in the words of Jeremy Cronin in his address to the National Union of Metalworkers of South Africa (NUMSA) in 2004, can afford to run the risk of offending big capital and saying to them "democracy has been very good for you, but what have you done? You have retrenched a million workers; you have casualised hundreds of thousands more. You have disinvested billions out of our country; you have bad-mouthed our society and its government"[9]. This partnership could enable society to give teeth to Trevor Manuel when he says to the Association of Black Accountants: "This wanton drive to get rich quickly must come to an end if we are to have sustainable economic growth"[10]. It would enable all of us to once again work with common purpose, and with a resurgent sense of revolutionary purpose and collective solidarity action, and finally to support each other in the long haul ahead that will ultimately ensure the fundamental transformation of our society.

Notes

[1] *http://www.action-global.org / http://www.copafrica.org*

[2] *Fubbs, J. (2003) Participatory Democracy and the Budget. Umrabulo Issue No. 19. pg 6. Available online http://www.anc.org.za/ancdocs/pubs/umrabulo/umrabulo19/budget.html*

[3] *Central Committee of the South African Communist Party. (2006). Bua Komanisi. Special Edition, Volume 5, Issue No. 1. pg 29.*

[4] *Ibid.*

[5] *Vollenhoven, van J. (2005). South African Foreign Policy: The Return of the Prodigal, Policy Brief No. 46. The William Davidson Institute, pg 4*

[6] *Tadesse, E &Smith, R. (2005). Human Security Policies and Public Participation: Positive Forces for Change or Fuel for Further Violence. Presented to Seminar on Human Security, Poverty and Conflict in SADC, Southern African Regional Poverty Network. St Louis, Mauritius, pg 10.*

[7] *Mbeki, T. (2003). Address to the Growth and Development Summit, Johannesburg, 7th June. Available online at http://www.info.gov.za/speeches/2003/03061015461005.htm pg 1.*

[8] *Vollenhoven, van J. (2005). South African Foreign Policy: The Return of the Prodigal, Policy Brief No. 46. The William Davidson Institute, pg 4*

[9] *Cronin, J. (2004). SACP address to NUMSA. Available online at http://www.numsa.org.za pg 2*

[10] *Ibid. pg 3*

Civil Society and the Developmental State: The Cases of Kenya & South Africa

By Shilaho Westen Kwatemba (Researcher: Peace building - Centre for the Study of Violence and Reconciliation)

Introduction

In this paper, I theorize the concept of civil society and that of the developmental state and draw parallels between the participation of civil society in policy formulation in Kenya and South Africa. I attempt to draw causality between ineffective policy formulation by African governments, and violence that may erupt among the citizens who feel disenchanted due to poor service delivery. I use the two countries, South Africa and Kenya as an example. Finally I will explore some of the current and potential models of engagement between civil society and the state and set out some conclusions that challenge all of us as we attempt to contribute positively to processes of social transformation.

Theorising Civil Society

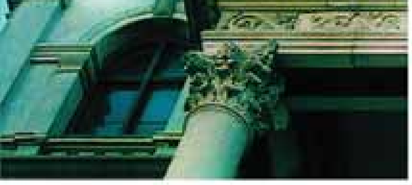
Civil society is a broad concept which traces its history in the West. However, this does not in any way imply that there is no history of civil society in Africa. It simply means that civil society in Africa has its own particular history which does not necessarily mirror or conform, evolve and develop along the lines of Western notions and models. Within the African context, there is no homogeneity within civil society and each context has its own peculiarities[1].

A specific tradition of civil society can be traced to de Tocqueville, through to Durkheiminian social theory before re-emerging in numerous versions of pluralist political science[2]. According to this tradition, civil society was seen as a buffer against the state. Civil society was conceptualised in terms of its "organically conservative role" serving to protect the state from "spontaneous popular impulses", while at the same time "shielding those with a stake in society from the state itself"[3]. Over time this concept has been theorized and reconceptualised. There are other traditions, for instance, that trace the conceptualization of the society to other writers such as Gramsci, Hegel, and Karl Marx. In the de Tocquevillian sense, civil society is seen principally as the antithesis of the state. In other words it exists in opposition to the state[4].

The above analysis of civil society fits into studies done by western Africanists who have been instrumental in coming up with policy frameworks for the World Bank and the IMF. One such writer is Bayart who portrayed civil society in the mentioned domain[5]. However, there are those writers in this same school such as Azarya who differ from Bayart. He states that the civil society is a norm-setting realm that is sovereign from the state but addresses the state[6].

The Developmental State

The concept of a developmental state is said to be associated with Chalmers Johnson and his seminal analysis of Japan's very rapid, highly successful post-war reconstruction and (re) industrialisation[7]. Chalmer's thesis was that Japan's phenomenal and historically unrivalled industrial renaissance neither happened by chance nor was it inevitable but was rather a consequence of the efforts of what he



calls a “plan rational” state. A plan rational state emerges as a synonym for a developmental state, one that was determined to influence the direction and pace of economic development by directly intervening in the development process, rather than relying on the uncoordinated influence of market forces to allocate economic resources. The priority of this state was the task of establishing “substantive social economic goals” with which to guide the processes of development and social mobilization[8].

As to whether the notion of the developmental state is relevant today is in contest, but it is strongly supported by scholars who have identified the indispensable role states have played in all those countries that have experienced successful economic development. One of these scholars is Ha-Joon Chang. He states that both the UK and the US, which pass today as paragons of market rather than state led development, and the latter day champions of free market or neo-liberal policy, enjoyed significant state assistance in their initial industrialization phase[9]. Beeson argues that not only is infant industry protection of the sort enjoyed by nineteenth century Britain and America, and twentieth century Japan, still a prerequisite for successful indigenous industrialization [in developing countries], but avers that any attempt to marginalise such practices through the currently dominant neo-liberal agenda championed by the international financial institutions (IFIs), amounts to “kicking away the ladder” to development.

Mkandawire states that a developmental state is distinguished from other states by the ideology-structure nexus. In terms of ideology, it is a state whose overarching ideology is “developmentalist” in the sense that it conceives its “mission” as that of ensuring economic development, usually interpreted to mean high rates of accumulation and industrialization[10]. Such a state “establishes as its principle of legitimacy its ability to promote sustained development, understanding by development, the steady high rates of economic growth and structural change in the productive system, both domestically and in its relationship to the international economy”[11]. The state-structure side of the definition of the developmental state emphasizes the capacity to implement economic policies sagaciously and effectively.

Mkandawire asserts that the definition of this kind of state must encompass situations in which structural dynamic and unforeseen factors can torpedo genuine developmental commitments and efforts of the state. Mkandawire cautions that sometimes, and especially in Africa, countries risk being seen to be anti-developmental simply because they lack what it takes to parry off exogenous forces such as the prescriptions by the Bretton Woods institutions. Mkandawire redefines the concept of a developmental state as one that refers to a country whose ideological underpinnings are developmental and one that seriously[12] attempts to deploy its administrative and political resources to the task of economic development[13].

I turn my attention to the processes of policy formulation in South Africa and Kenya and try to see in what way civil society organisations have influenced these in the interest of eradicating poverty and addressing developmental challenges. The mistaken assumption in Africanist and donor understanding that the re-emergence of civil society is by itself a re-emergence of democracy in Africa has been succinctly combated[14]. Donor thinking upheld ‘civil society’, especially the NGO variant as the bastion of liberty, democracy and good governance. It was hence argued that the intrusive state needed to be rolled back to play the function of creating an enabling environment for private enterprise. Private enterprise was being forged within neo-liberal thinking as the arena where the rational citizen would maximise his potential. As such, Africanists and the donor community romanticised civil society.

Kenya’s Case Study

In Kenya, civil society claims to be sidelined in public policymaking. Whenever the government approaches them over a given policy it is not so much for their input, as to use them to rubber stamp what it wants to push through[15]. Civil society accuses Kenya’s government of short-changing them. In spite of this atmosphere of mistrust and bad faith, one policy aimed at alleviating the plight of the poor in which civil society could be said to have participated in effectively, was the Policy Reduction Strategy Paper (PRSP). The PRSP process created spaces for civil society involvement in conventional government-run policy processes.

PRSPs were announced in 1999 and are a World Bank and International Monetary Fund (IMF)-driven initiative for poverty reduction. They have been presented as an instrument through which the allocation of debt relief funds and concessional loans for highly indebted poor countries (HIPCs) might be allocated to poverty reduction strategies and programmes[16].

In one of Kenya's districts called Machakos, the District Development Officer (DDO) saw NGOs as having a significant role to play in this process at the district level in terms of mobilization, capacity building, implementation, monitoring and evaluation. According to a report that covered this process in an exchange programme between Bolivia and East Africa's countries of Kenya and Uganda, it is reported that at the district level (grass roots level) the PRSP was very successful in warming civil society and government relations in Kenya. The report underscores the fact that in spite of their advocacy record, NGOs in Kenya are not a sustainable replacement for effective public administration . In the course of the participatory assessment processes the government of Kenya contracted certain NGOs to carry out Participatory Poverty Assessments (PPA) in 12 of the 25 districts that underwent consultation processes. One wonders why the NGOs were not involved in other districts. Civil society was also involved in monitoring and evaluating policy implementation.

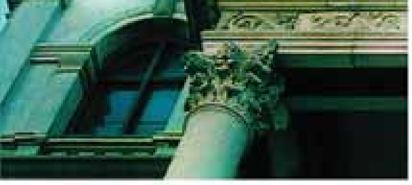
In Kenya there is a link between poverty and violence. Time and again the subaltern, especially in urban areas, have resorted to violence due to poor service delivery or populist pronouncements by careerists on political point scoring stunts. Informal settlements in Nairobi, especially the oldest and largest one called Kibera, typify the government's lack of political will to come up with a housing policy which would see the areas being upgraded through the provision of concomitant social amenities. Populism or demagoguery as eloquently cited by Cronin[17] has the risk of breeding personality cultism and obfuscating issues that merit sober deliberation. In this connection, during the twilight years of Kenya's last regime, the seemingly intractable housing situation in Kibera was exploited by the powers-that-be in an incendiary bid to forge a succession formula based on an ethnic calculus. It resulted in violence, damage to property and loss of life. The Kibera scenario is only but a snapshot of the sporadic incidents of violence that erupt in other parts of the country due to people being frustrated by a lack of coherent policies aimed at uplifting them from the abyss of poverty.

South Africa's Case Study

The CSVR carried out an action-research and information dissemination project entitled *Consensus-building Approaches and Policy Coordination Mechanisms: Responsive and Responsible Policy Formulation and Implementation in South Africa*[18]. The project tried to amplify and articulate the voices of those who feel they are outside of policy-making processes. It combined an academic analysis of the concepts related to public participation and the virtues of a participatory democracy, with a record and description of real-life experiences of citizens trying to influence decision-makers.

Khayelitsha informal settlement in Cape Town was used as a case study as well as South Africa's foreign policy with a special reference to Zimbabwe. In the former case the focus was on the relationships between and amongst community members and the authorities responsible for implementing a housing project in Khayelitsha.

The study found that in Khayelitsha, protesters were convinced that the only way to attract the attention of the government and express their grievances was through public protests and riots that caused damage to public and private properties, burning of tyres, blocking traffic and emptying their sanitation buckets onto the streets. Through the Zimbabwe case study, the report found that often civil society



in South Africa and the government work at cross purposes and civil society ambivalence to issues renders it ineffective in influencing most of the policies that the government adopts.

Conclusion

The notion of the developmental state as applies to Africa has more to do with ensuring that people meet their potential, participate in governance, and contribute to good development policies aimed at alleviating poverty. The Khayelitsha housing issue is linked to global economic trends in that the free market economic systems prescribed by the financial institutions impacted negatively on the South African poor. Nonetheless, a developmental state should also be strong enough to have the administrative capacity and wherewithal with which to push through its developmental project without being overly susceptible to global economic dictates[19].

Civil society in Africa is full of contradictions and a western approach that sees the role of civil society as confronting the state is over simplistic. It is riddled with its own internal contradictions which impair its role in a developmental state. In most African countries civil society is still riven by retrogressive tendencies such as nepotism, ethnic chauvinism, corruption, and inter-civil society exploitation much in the same way as in Kenya. Within South African civil society, the CSVR report recognises that it is fragmented, and the negative effect this has on any efforts to forge a coherent voice based on shared concerns with which to engage the state.

In both South Africa and Kenya, there is clear evidence that accents the fact that if a state glosses over policy issues that are supposed to alleviate the lot of the poor, it is not uncommon for violence to sprout.

Notes

[1] *Eke, P. P. 'The Constitution of Civil Society in African History and Politics', in Caron, B. et al (eds) Proceedings of the Symposium on Democratic Transition in Africa, Ibadan, Credu Documents in Social Sciences and Humanities Series No.1, 1992.*

[2] *Murunga, G. Civil Society and the Democratic Experience in Kenya: A Review of Constitution-Making from the Media: Civil Society and Transition Politics in Kenya, 1992-1997, by Willy Mutunga. Sareat & Mwengo, Nairobi, 1999. in African Sociological Review, 4, (1) , 2000, pp.97-118.*

[3] *Gibbon, P. 'Some Reflections on "Civil Society" and Political Change ', in Rudebeck, L et al (eds) Democratization in the Third World: Concrete Cases in Comparative and Theoretical Perspectives, New York, St. Martin's Press*

[4] *Murunga, G. 'Civil Society and the Democratic Experience in Kenya: A Review of Constitution-Making from the Media: Civil Society and Transition Politics in Kenya, 1992-1997, by Willy Mutunga. Sareat & Mwengo, Nairobi, 1999. in African Sociological Review, 4, (1) , 2000, pp.97-118.*

[5] *Bayart, J. 'Civil Society in Africa', in Chabal, P. (ed) Political Domination in Africa: Reflections on the Limits of Power, Cambridge, Cambridge University Press, 1989,111*

[6] *Azarya, V. 'Civil Society Disengagement in Africa', in John W. Harbeson et al (eds) Civil Society and the State in Africa, London, Lynne Rienner Publishers, 1994.*

[7] *Chalmers, J MITI and the Japanese Miracle: The Growth of Industry Policy 1925-1975, Stanford, Stanford University Press, 1982 in Mark Beeson. Available online See Mark Beeson, 'The Rise and fall (?) of the developmental state: The vicissitudes and implications of East Asian intervention.' Available online http://eprint.uq.ed.edu.au/archive/00000603/01/mbeds-03.pdf*

[8] *Ibid*

[9] *Chang, Ha-Joon Kicking Away the Ladder: Development Strategy in Historical Perspective, London 2002: Anthem Books in Ibid. Available online http://eprint.uq.ed.edu.au/archive/00000603/01/mbeds-03.pdf*

[10] *See Thandika Mkandawire, 'Thinking About Developmental States in Africa.' Available online http://www.unu.edu/hq/academic/Pg_area4/Mkandawire.htl*

[11] *Castells, M. "Four Asian Tigers with a Dragon Head: A Comparative Analysis of the State, Economy and Society in the Asian Pacific Rim", R. Henderson and J. Applebaum (eds.), State and Development in the Asian Pacific Rim, London, Sage Publications, 1992 in Ibid.*

[12] *His emphasis*

[13] *Ibid*

[14] *Murunga, G. 'Civil Society and the Democratic Experience in Kenya: A Review of Constitution-Making from the Media: Civil Society and Transition Politics in Kenya, 1992-1997,' by Willy Mutunga, Sareat & Mwengo, Nairobi, 1999. in African Sociological Review, 4, (1) , 2000, pp.97-118.*

[15] *Joyce, Mulama 'Civil Society's Policy-Making Role a Work in Progress.' Available online http://www.ipsnews.net/news.asp?idnews=33661*

[16] *See 'Civil society engagement in PRSP processes in Bolivia, Kenya and Uganda.' Available online http://www.eldis.org/static/DOC14327.htm*

[17] *Jeremy Cronin in 'Neo-liberalism, reformism, populism and ultra-leftism,' a paper presented to South African Communist Part (SAPC) Gauteng Province, August 28th, 2005. Available online http://amadlandawonye.wikispaces.com*

[18] *Tadesse, E et al. 'The People Shall Govern: A Research Report on Public Participation in Policy Processes,' Centre for the Study of Violence and Reconciliation (CSVR) and Action for Conflict Transformation (ACTION), Johannesburg, 2006*

[19] *Myrdal, P. Asian Drama: An Inquiry Into the Poverty of Nations, New York, Pantheon in Mkandawire.*

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