



Policy: issues & actors

Vol 20 no 7

State-Civil Society Relations in South Africa: Some Lessons from Engagement

Kirty Ranchod

Researcher,
Centre for Policy Studies
South Africa

Centre for Policy Studies

Johannesburg

South Africa

February 2007

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

Centre for Policy Studies
1st Floor
Rosepark South,
6 Sturdee Avenue,
Rosebank,
Johannesburg, South Africa

P O Box 1933
Parklands
2121
Johannesburg, South Africa

Tel +27 11 442-2666
Fax +27 11 442-2677
e-mail: portia@cps.org.za

www.cps.org.za

This paper was funded by the Mott Foundation, whose generous support we gratefully
acknowledge.

ISBN - 978-1-919708-82-9

TABLE OF CONTENTS

1. INTRODUCTION	1
2. METHODOLOGY	1
3. CONCEPTUALISATION OF CIVIL SOCIETY	2
4. THE EVOLVING RELATIONSHIP BETWEEN STATE AND CIVIL SOCIETY	3
4.1. MODES OF POLICY INFLUENCE	6
4.1.1. SOCIAL MOVEMENTS	8
4.1.2. ASSESSING THE IMPACT OF SOCIAL MOVEMENTS	9
4.1.2.1. THE TREATMENT ACTION CAMPAIGN (TAC)	11
4.1.2.2. THE CONGRESS OF SOUTH AFRICAN TRADE UNIONS (COSATU)	13
4.1.2.3. IDASA	15
4.1.2.4. THE SOUTH AFRICAN NATIONAL CIVIC ORGANISATION (SANCO)	16
4.1.2.5. JUBILEE SOUTH AFRICA	18
4.1.2.6. THE LANDLESS PEOPLE'S MOVEMENT (LPM)	19
4.1.2.7. COMMUNITY-BASED ORGANISATIONS	21
5. CONCLUSION	22

1. INTRODUCTION

This paper aims to provide examples of how specific civil society organisations have influenced and engaged the state, and what lies behind the success or failure of these actions. It looks at a range of organisations that have tried to impact government and its policies post 1994.

It begins with a conceptual discussion of the term civil society, which leads to a brief history of transformation in civil society relations with the state since 1990. Then the different options available to civil society to influence the state are examined, followed by examples of how organisations are using these options. Lastly, the paper briefly dissects the issue of social capital and the role community-based organisations can play in development at local level.

2. METHODOLOGY

This paper is based on desk research, incorporating work done by the Centre for Policy Studies, the Centre for Civil Society and a number of other sources. Examples from eight different organisations (or classes of organisations) are used to illustrate the lessons learned. These are, the new social movements - such as, the Soweto Electricity Crisis Committee (SECC), the Anti-Privatisation forum (APF), etc. - the Treatment Action Campaign (TAC), the Congress of South African Trade Unions (COSATU), the Institute for Democracy in South Africa (IDASA), the South African National Civic Organisation (SANCO, Jubilee South Africa, and the Landless People's Movement (LPM).

These organisations were selected because each illustrates a distinct mode of engagement with the South African state. For instance, the social movements have emerged as very strong and vociferous organisations attempting to change the social landscape and influence the state in an often very militant manner.

The TAC, on the other hand, has had some very important breakthroughs in its engagement with the state, through the employment of a bouquet of engagement methods (including engagement, confrontation, mobilisation and the courts). COSATU is explored because of its alliance with the ruling party and the dynamics that this throws up for engagement (including the space for holding and advocating conflicting views to the African National Congress (ANC)). Moreover, it too has employed mixed modes of interaction which include lobbying individual legislators, mobilisation of its constituency, and submission of alternative policies.

IDASA's role as an advocacy organisation lends itself to particular relationship dynamics with the government; its engagement with the state is very different to that of the social movements, for example. It, for the most part, engages through the official available political opportunity system (such as parliamentary committees, hearings, submissions and

lobbying) and occasionally the courts. SANCO, another ANC ally, has good relations with the state and also works very closely with citizens at grassroots level. How it balances these two potentially conflicting relationships, and the challenges that this poses, will be discussed.

The LPM was chosen because of its antagonistic and aggressive stance on the redistribution of land in South Africa. The LPM example provides a lens through which analysis can be done on lessons to be learnt from this kind of engagement.

3. CONCEPTUALISATION OF CIVIL SOCIETY

There are many different and sometimes contending definitions of civil society. Some classify civil society organisations (CSOs) as all institutions and organisations outside of government. This includes trade unions, consumer organisations, the formal and informal welfare sectors, non governmental organisations (NGOs) and community-based organisations (CBOs), religious organisations delivering welfare services, corporate social investment, employee assistance programmes, occupational social work and social workers in private practice.¹ Others, simply see it as groups or associations which 'are independent of the state, engage with it but do not seek to take it over'.²

However, it is not the purpose of this paper to engage in the debate over the definition of civil society. Rather, the paper proposes to use the following working definition:

“Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups.”³

This definition basically refers to civil society as all collective voluntary action outside the family, state and the market (business). However, it is important to understand that because civil society has been defined differently by different authors, the concept is more useful as an analytical term rather than as a fixed entity.

¹ www.polity.org.za/html/govdocs/white_papers/social97gloss.html

² Chazan N, 'Governability and Compliance During the Transition' in De Villiers R (ed.) *Governability During the Transition*, Johannesburg, Centre for Policy Studies, 1993

³ 'Defining civil society' at <http://www.areda.ch/P22E.html>

Civil society engagement with the state can be viewed as part of *political pluralism*; this implies tolerance and accommodation of diverse views, passions, interests and demands in the public sphere.⁴ Such engagement can also be seen as a part of public political participation. Public participation refers to the opening of social and political spaces for ordinary people to participate in decision-making processes and their own development.⁵ A practical example of such a space in South Africa is the local government ward committees (formal corporatist structures for engagement between the state and society), where ward councillors consult residents on their development plans for the area. But such spaces are also claimed by civil society outside of these formal 'corporatist structures'. These range from mobilisation of public opinion to action on the streets and include both non-confrontational and confrontational methods of engagement. Such methods include petitions, media campaigns, mass marches, strikes, and civil disobedience. Public participation and engagement between the various organisations discussed in this paper and the state, are goal-directed and seek to improve society at large rather than secure discreet advantage for members.

All the organisations discussed play a watchdog role (over state actions, spending and legislation etc.), but they also lobby and make demands on the state for various public goods. In part, their watchdog role is a way of forcing the government to remain accountable to citizens in general and their own membership in particular. COSATU, for example, watches out for the interests of its members who are the working class, but also lobbies for improvement of society as a whole.

Formal electoral democracy, which aggregates citizen interests through the election of political parties - is not enough for the consolidation of democracy, especially holding governments to account. In such a system governments are only periodically accountable during elections. Elections are one way in which citizens can participate in their own governance by deciding which parties best represent their interest and should thus govern on their behalf; however, given the long periods between elections (five years in most countries), this is clearly not a sufficient condition for popular participation. Civil society engagement with the state provides opportunities for greater and ongoing influence by the public in decision-making between elections.

4. THE EVOLVING RELATIONSHIP BETWEEN STATE AND CIVIL SOCIETY

Prior to 1990, many civil society organisations had aligned themselves with the African National Congress (ANC), then a banned liberation movement (through the United Democratic Front) and were united in their quest to overthrow the state and replace it with

⁴ African Human Security Review, "African Commitments to civil society engagement: A review of eight Nepad countries", <http://www.africanreview.org/docs/papers/civsoc.pdf>, August 2004; Accessed December 2005.

⁵ *ibid*

a democratically-elected government. After 1994, civil society organisations began to normalise their activities by pursuing citizens' aggregated interests through seeking to place them on government's agenda. Because of a weak opposition in Parliament post 1994, the ANC's former civil society allies have increasingly had to fill some of the void and lobby, oppose and criticise their former (and current) partners. Even those who had not aligned themselves with the ANC found they now had to deal with a legitimate, representative government and this required new forms of engagement.

The new political structure and methods of formal engagement made for new opportunities and challenges. Civil society particularly felt the pinch when it came to funding. Many international donors felt that the role of CSOs would be limited now that there was a legitimate government in place. They also felt that their funding was better placed in the hands of the new legitimate government, who needed all the assistance it could get and was best placed to channel the money to areas of need. The constant scraping for funding has limited the time and capacity available to many CSOs, and several have closed as a result.

The first few years of the post-apartheid era were guided by the Reconstruction and Development Programme (RDP), which aimed to address the injustices of apartheid. It sought to create a 'developmental state' - a viable, globally-competitive economy coupled with social welfare. The RDP was supported strongly by a wide coalition of social forces; this commitment arose from the inclusive participatory process which helped to shape it. However, the programme was not well thought through; the state capacity to meet the objectives of welfare and popular demand and simultaneously create a competitive economy, was overestimated.

As a result, in 1996 the ANC-led government's macro-economic strategy changed into Growth Employment and Redistribution (GEAR). While GEAR was a very well thought out policy strategy, its evolution was completely opposite to that of the RDP; there was little, if any, civil society participation. Government made it clear that GEAR was non-negotiable. Gear was a typical example of a technocratic approach to policy-making which severely limits democratic citizen participation. Swilling and Russell posit that GEAR defined central roles for the for-profit sector in economic growth and service delivery and for the non-profit sector in poverty alleviation,⁶ without the CSOs playing a role in the decision.

In 1997 the government introduced the Non-profit Organisations Act which defined Non-Profit Organisations (NPOs) 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

⁶ 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, p8.

members or office-bearers, except as reasonable compensation for services rendered”.⁷ Current functions envisaged by the government are watchdog and service delivery roles.⁸

In line with its developmental state philosophy, the ANC-led government wanted the state to be the driving force behind the economy and the transformation of society. In this scenario, it envisaged civil society as a partner in making this a reality. Civil society is now largely perceived by the ANC-led government as an extension of its delivery capacity, and its role as an independent mechanism to challenge, contradict and influence policy has been largely overlooked. Some analysts have put it more starkly and asserted that civil organisations are becoming “delivery intermediaries between the framers of social policy and those for whom it is intended.”⁹ This situation has, in part, given rise to the phenomenon of social movements (discussed below); unfortunately, both these movements and the state tend to view the other as the enemy rather than partners in a commonwealth.

The new dispensation has led to the formation of many new social movements opposed to what they see as further entrenchment of poverty and inequality amongst South Africans because of government policy - especially its macro-economic policies which are largely based on the tenets of the Washington Consensus which calls for, *inter alia*, economic and trade liberalisation, limited state intervention in the economy and rationalisation of the public service. They have been actively engaging the state through various modes; whether they have had any impact will be discussed shortly.

Fakir lays a contextual basis for the emergence of these new social movements. He argues that “the liberalisation of markets and strict fiscal discipline assisted in addressing development priorities in the early years of transition, but soon reached their limitations, particularly in the area of poverty eradication and the availability, distribution and accessibility of public goods and services, as the social and economic legacies of apartheid continued to affect the ability of both state and society to meet the goals set out in the RDP”.¹⁰

Amartya Sen argues that economic development is impacted by economic growth and security - which in turn lead to questions around political and civil liberties.¹¹ If these are available in a society then citizens can make demands and expect the government to fulfil their needs. “The exercise of political rights (such as voting, criticizing, protesting, and the like) can make a real difference to the political incentives that operate on a government.”¹²

⁷ http://www.acts.co.za/non_profit_org/

⁸ Swilling and Russell; 5

⁹ Friedman S, ‘Golden Dawn or White Flag? The State, Civil Society and Social Policy’, CPS, September 2002; 14

¹⁰ Fakir E, ‘Institutional Restructuring, State-Civil Society Relationships and Social Movements’, Development Update vol 5 No 1 - April 2004, 1-28.

¹¹ Sen A, “Democracy as a universal value”, Journal of Democracy 1999; vol10, Issue 3, 3-17
<http://muse.jhu.edu/demo/jod/10.3sen.html>

¹² *ibid*

According to Greenberg and Ndlovu,¹³ there are two types of CSOs; those that try to fit into programmes initiated by government and those that mobilise to confront government in order to affect change. They argue that many of the biggest and strongest civil society organisations orient upwards, justifying and elaborating the actions and ideologies of the dominant power. Others orient to the grassroots.¹⁴ However, this is a rather crude classification and many organisations, such as the Treatment Action Campaign (TAC), straddle both worlds. How CSOs engage the state and attempt to affect change, as well as how successful they have been, will now be discussed.

4.1. Modes of Policy Influence

Kihato and Rapoo posit that formal engagement with the state incorporates the methods included in the legislative processes as well as other constitutional mechanisms (such as the Commission on Gender Equality, and the Human Rights Commission) and statutory mechanisms (such as NEDLAC) through which policy development can occur. Formal methods include the following:¹⁵

- Contributing to green and white papers, in which CSOs make written submissions and comments to the relevant ministries. Some government departments hold workshops where stakeholders are invited to make verbal submissions or express their opinions on the proposed new legislation;
- Submissions to portfolio committees: the committees provide a forum where ordinary citizens or organisations can make formal representations to government on new laws or policy during the parliamentary process. The committees are, therefore, key structures to utilise for advocacy. COSATU is one CSO which often takes up the challenge to make submissions via the formal route. One such example is when the call for submissions on the Green Paper on Further Education and Training came, COSATU took pains to stress redress of the economy so as to ensure that the previously marginalized were afforded better access to education and training opportunities.
- Forums and government commissions, especially at local government level. These include ward committees, where citizens and councillors are supposed to interact at ward level in planning for local development.

¹³ Greenberg and Ndlovu, 'Civil Society Relationships' at http://www.winterfund.org.za/pdf/vol5_two/greenberg.pdf

¹⁴ *ibid*

¹⁵ Kihato C, Rapoo T, 'An independent Voice? A survey of civil society organisations in South Africa, their funding, and their influence over the policy process', Research Report no 67, Centre for Policy Studies, 1999, p34

Kihato and Rapoo also identified several informal methods of interaction, including:¹⁶

- Negotiations (can be formal). These include activities such as behind the scenes interactions with policy-makers and unofficial discussions between government officials and CSOs;
- Petitions. These can be used to demonstrate how much popular support an issue has. An example of this is the 'Million Faces' petition, which is part of the Control Arms Campaign, a joint initiative by Amnesty International, Oxfam International and the International Action Network on Small Arms (IANSA). Over 800,000 people in 160 countries have already given their photographs to the Million Faces Petition, which is the world's largest photo petition, calling on leaders to back stricter controls on the arms trade. It represents the million people who have been killed by arms since the last UN conference on small arms in 2001.¹⁷
- Lobbying. This is used to persuade individuals or groups with decision-making power to support an organisation's position; and
- General public policy debates (for instance in the media) and mobilising pressure groups. These can include debates in community halls, civic associations, newspaper articles, and radio stations.

At the time, some 82% of CSOs used the above-mentioned informal methods of influencing policy, and most (65.7%) preferred to use both formal and informal methods. Some 13.3% used formal mechanisms only and 7.3% used informal methods only.¹⁸ A good example of the employment of informal methods was the 2001 Resources and Prevention of Child Abuse and Neglect (RAPCAN) campaign aimed at preventing the closure of the Child Protection Unit (CPU). For six weeks, RAPCAN campaigned to convince policy-makers in the policing sector to withdraw the decision. It and others used:

- television to publicise the issues;
- other electronic media to keep stakeholders informed;
- networking with other organisations to raise appropriate questions to the South African Police Service (SAPS);
- lobbying of the chairperson of the CPU; and
- submissions to the National Council of Provinces and the SAPS.

¹⁶ *ibid*

¹⁷ Press advisory: Conference on driving change: Developing firearms policy for safer societies, Durban, 31 March - 1 April 2006, <http://www.iss.co.za/media/2006/22marprecon.htm>

¹⁸ Kihato and Rapoo; 35

These were some of the tools that led to the successful rescinding of the decision. Other less successful methods included letters to the Minister and an attempt to meet with him, as well attempts to meet with the chairperson of the Portfolio Committee on Social Development.¹⁹

4.1.1. Social Movements

Most South African social movements have arisen in response to the change in government's macro-economic strategy from the RDP to GEAR. A number of movements have sprung up to advance and defend the rights of the poor and disadvantaged 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:²⁰

- many mobilisations are illegal, these include squatting, using public property, refusal to pay taxes and illegal service connections;
- they use the language of rights to demand welfare provision;
- the rights so demanded are seen as being vested in a collective or a 'community', which may be very recent in origin, and not as individual rights;
- state agencies and NGOs treat these people not as bodies of citizens belonging to a lawfully constituted civil society, but as population groups deserving welfare.

Sergey Mamay explains that society cannot exist without definite social structures (social order) which make social connections in civil society. Social movements emerge as a reaction of society to the discrepancy between civil society and social order.²¹

There are a number of theories regarding social movements, including the 'new social movements' theory which emerged in the eighties. However, none, including the old social movement theory which was Marxist in orientation adequately, dissect what is happening in developing countries like South Africa, India and Brazil today. The new social movement theory emerged in the Northern industrialised countries and referred in particular to NGOs dealing with gender rights, the environment, cultural issues, etc, and appealed to universal human interests. In South Africa when new social movements are discussed, it is with reference to community-based struggles that have gained mass appeal.

¹⁹ Introduction to advocacy and lobbying, <http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=1516>;

²⁰ Greenstein R, 'State, civil society and the reconfiguration of power in post-apartheid South Africa', Centre for Civil Society, <http://www.ukzn.ac.za/ccs>

²¹ Mamay S, 'Theories of Social Movements and their development in Soviet Society' at <http://lucy.ukc.ac.uk/csacpub/russian/mamay.html>; 1991

4.1.2. *Assessing the Impact of Social Movements*

In a study²² on good governance (in which South Africa and a number of other countries were surveyed) it was argued that a good society was dependent on three components:

1. the fulfilment of the basic needs of citizens;
2. free association with other people; and
3. participation in the governance of society.

Basic needs involved economic security, the provision of essential services and physical security and peace. For almost everyone in the above-mentioned study, economic security was associated with the dignity of meaningful work. Citizens also suggested that services should be available to all otherwise it would lead to inequality, social exclusion and a downturn in physical security.²³ The following examples illustrate how new social movements have emerged from struggles of the poor for access to public goods and services.

- In Johannesburg, the Anti-Privatisation Forum (APF) emerged out of campaigns by the South African Municipal Workers Union against the restructuring plans of the Johannesburg Council and the University of Witwatersrand wherein workers and students mobilised against restructuring that saw six hundred workers lose their jobs;²⁴
- The Durban City Council announced the writing off of arrears of seventeen million in June 2003, soon after 5,000 residents marched to their offices;
- The reconnection of water and electricity by community movements in Cape Town and Johannesburg, reached epidemic proportions in 2002, re-appropriating basic needs and creating no-go zones of decommodification;²⁵
- Movements have arisen to challenge the water and electricity cut-offs, home evictions and land redistribution. In Soweto the SECC has, through Operation Khanyisa (meaning switch on), thwarted the impact of disconnections by reconnecting electricity to residents. The SECC continues to hold protests against politicians who insist that the state electricity utility, the Electricity Supply Commission (Eskom), requires cut-offs of power to those who cannot pay. In 2001 Eskom was cutting supplies to twenty thousand residents a month; activists went door to door reconnecting people for free. At the time of writing, Eskom was still wholly state owned owing in part to the efforts of organisations such as the SECC and COSATU;

²² Knight B, Chigudu H, Tandon R, 'Reviving Democracy: Citizens at the heart of governance', Earthscan Publications Limited, 2002

²³ *ibid*; 66-67

²⁴ Greenburg S, Munnik, V, 'The tide is turning the global social movement' OD Debate, vol 9, 2002

²⁵ *ibid*

- And in Cape Town, residents of Mandela Park put back residents evicted by the banks.²⁶
- In the Eastern Cape municipality of Nkonkobe (covering the towns of Alice, Fort Beaufort, Middledrift and Seymour), the High Court nullified a ten-year water privatisation contract between Water and Sanitation Services South Africa (WSSSA) and the municipality, after a legal challenge following mobilisation by the South Africa Municipal Workers' Union and local communities;²⁷
- The Durban-based Concerned Citizens Forum (CCF) is a post-apartheid, largely community-based organisation, which like the APF, the Landless Peoples Movement (LPM) and the Western Cape Anti-Eviction Campaign are independent and critical of, to varying degrees, the policies and practices of the ANC government and ANC-led Tri-partite Alliance.²⁸ The CCF has stood in local elections, taken court action and engaged proactively with the state; and
- The APF has challenged the Johannesburg Water Company through the court system and launched a campaign of mass action - Operation Vulamanzi ('water for all'). This action has included the destroying and bypassing of water meters and other water infrastructure, as well as protests at the offices of Johannesburg Water Management and the Johannesburg City Council.²⁹ In much of the country, it is Suez Lyonnaise that has been at the forefront of the water 'wars'. Community initiatives to by-pass the pre-paid meter system have been especially effective; these struggles have not yet succeeded in reversing the privatisation process, but have certainly slowed down the process in some cases.

These examples illustrate a few of the benefits of collective action and mass mobilisation, despite the fact these haven't always been able to sway government. The examples in some cases amount to civil disobedience and others border on criminality. However, they have not been able to get the government to change its policies - on privatisation for instance - or to work with it to develop policy alternatives. As a result of some of their actions, such as the illegal reconnection of electricity, and damage to government property, some of these groups have been branded as criminal elements, and instigators.

The disadvantage of such protest action in the absence of constructive engagement and policy alternatives is that no trust is built between the movements and the state and there is

²⁶ Desai A, 'Mass Mobilisation: the rise of community movements.' OD Debate December 2002; vol 9(4) 3

²⁷ McKinley D, "Water is life: The Anti-Privatisation Forum and the struggle against water privatisation", <http://www.sarpn.org.za/documents/d0000584/index.php>, accessed November 2005

²⁸ Dwyer P, 'The contentious politics of the Concerned Citizens Forum', Alternative Information Development Centre School of development studies, University of KwaZulu-Natal, 2004, 1

²⁹ Earle A, 'Water Service Provision in the Democratic South Africa - Changes and Challenges' <http://www.up.ac.za/academic/cips/Publications/2005/18-2005%20Water%20Provision%20in%20Democratic%20SA.pdf>, accessed 28 November 2006

very little understanding of each others' position and aims. What often results in essence, is mutual distrust and antagonism and no constructive way forward.

The social movements have characterised the ANC-led government as neo-liberal and seem to have overlooked and thus missed the opportunity to engage, the ANC's many identities. It is a liberation movement; democratic government; and one of the oldest social movements in Africa. Each of these identities has specific appeal; this is why the party continues to win elections. Therefore, mass mobilisation is not enough, there needs to be clear and specific policy alternatives and most importantly, buy-in from stakeholders in government. The ANC should be engaged at all levels of its many identities.

On the other hand, government's macro-economic strategy is serving to entrench the poverty experienced by many South Africans through the restructuring of local government and municipal service provision. On the positive side, these new social movements have highlighted the plight of the poor and disadvantaged who had previously had no voice. While this strategy should not be abandoned, they should consider adding alternative modes of engagement to their arsenal of mass mobilisation and protest and use these in a strategic manner. They should be providing continuous education and information on the issues at hand to their supporters as well as the general public and create better awareness around what is happening in government. Through this they create alternatives and a more coherent type of movement.

The social movements constitute an important element of the vibrant civil society landscape. Their self-exclusion from some of the available participatory processes, which they cast as process-driven and ideologically loaded in favour of a neo-liberal democracy that prejudices the poor and marginalised rather than privileging them, often leads to them lacking depth in strategy. Some important gains could be made if they tactically engaged in contested spaces that could potentially yield some important advantages for the poor. These modes of interaction exclude the new social movements that have chosen only to use adversarial modes of engagement.

4.1.2.1. The Treatment Action Campaign (TAC)

Since it was established in December 1998, the TAC has become very well known both in South Africa and internationally. It has held a number of demonstrations, orchestrated acts of civil disobedience and conducted research at universities. It has been argued that there is hardly a Chapter Nine institution (those institutions mandated in Chapter Nine of the South African Constitution to protect the rights of citizens, such as the South African Human Rights Commission) or statutory body that has not been used by the TAC.³⁰ Its campaigns have

³⁰ Heywood M, 'TAC: Building a community movement.' Debate 9: Voices from the South African Left August 2003: 4-6

included appeals to the Human Rights Commission, the Public Protector, the Competition Commission, the Gender Commission and the Auditor General.

The TAC has also achieved great success in the courtroom when it partnered with the government in dealing with copyright laws preventing the use of generic AIDS drugs. It achieved a second court victory when it forced the minister of health, Dr. Mantho Tshabalala-Msimang, to provide Anti-Retroviral (ARV) drugs for the prevention of mother to child transmission of HIV.³¹

It has become very well known and respected because of its outspoken views and work on educating people about the fact that HIV is not necessarily a death sentence. Much of its notoriety is derived from the tactics it has employed. It also provides an enormous public service through education and information to the public, voluntary home visits to HIV-positive people to help with nutrition, opportunistic infection and stigma. It also encourages medical practitioners to attend TAC meetings, promoting a culture of openness and learning.³²

The TAC is a good example of how a social movement can operate within the democratic system, using all the tools at its disposal such as protest, petition and litigation to bring about policy change. It often straddles the divide between the CSO and new social movement, employing tactics from both strains. When the formal, legal channels fail it takes to the streets, challenging authority and even flouting the law if it believes the cause justifies it. It often strays out of this framework when it wants to push a point by aggregating and influencing public interest, thus pressurising government in this way.

The TAC's success has been linked to its ability to galvanise the media and its relationship with government, working with it on some issues and opposing it on others. A measure of how well it maintains its relations with government is the occasion it stopped its first civil disobedience campaign at the request of then Deputy President, Jacob Zuma and the campaign was called off to allow the government to respond. This tactic proved fruitful because the Cabinet decided to roll out ARVs.³³ The TAC does not see the government as the enemy, rather it seeks to work with it to ensure implementation of policies. Its success lies in the fact that it has learnt the art of engaging the state.

The TAC has also developed networks with local and international organisations to ensure maximum publicity and impact of its campaigns. "It placed pressure on pharmaceutical companies because their head offices abroad feared being portrayed as unsympathetic to the poor...And the fact that the TAC and other organisations secured

³¹ Ballard R, Habib A, Ngcobo D, Valodia I, 'Globalisation, marginalisation, and the contemporary social movements in South Africa', Centre for Civil Society and School of Development Studies, University of Natal

³² Friedman, S and Mottiar, S, 'A moral tale: The treatment action campaign and the politics of HIV/AIDS' at <http://www.ukzn.ac.za/ccs>, 2004: Accessed January 2006 p3

³³ Friedman and Mottiar; 14

international opposition to government policy on ARVs must, given the government sensitivity to international opinion, have played a role in winning the roll-out.”³⁴

Another reason for its success is the partnerships it developed with other civil society institutions such as COSATU who stood with it on the issue of mother-to-child transmission of AIDS. In some instances COSATU refused to engage in protest action (It felt it would seem as if its members were trying to overthrow the state) and still the TAC maintained the alliance and saw it as beneficial. It appreciated both COSATU’s right to differ and the value of the alliance.

The TAC also tends to maintain the moral high ground. Friedman and Mottiar argue that this is “a key resource for the TAC, because winning the moral argument gains it, and its cause, substantial support and weakens its opponents”.³⁵ The TAC has said that all its action must be morally justifiable.³⁶ This is how it is able to get away with straddling the different tactical worlds of civil disobedience and legal engagement - its reinforces the portrayal of its cause as just, in much the same way that the anti-apartheid forces did, even as they disobeyed the laws of the land and sought to overthrow the state.

Steven Friedman sums it up succinctly: “civil society associations are becoming delivery intermediaries between the framers of social policy and those for whom it is intended”.³⁷ Greenstein argues further that “their ability to play this role would depend on their capacity to articulate the needs and concerns of their constituencies, the extent to which they develop a coherent programme of action and win public support for it, and their success in forming alliances with other like-minded actors”.³⁸ In that respect the TAC has done an admirable job.

4.1.2.2. The Congress of South African Trade Unions (COSATU)

COSATU is in a tri-partite alliance with the ANC and the South African Communist Party (SACP). The labour federation has complained that despite its alliance with the ruling party, the alliance structures have not been used to provide them with the influence over policy that it had anticipated. COSATU has, however, managed to impact significantly on policy - particularly labour policy - through a variety of formal mechanisms such as the National Economic Development and Labour Council (NEDLAC), a parliamentary office to monitor legislation and facilitate consultations with parliamentary committees, and engagement with

³⁴ Friedman and Mottiar; 22

³⁵ Friedman and Mottiar; 18

³⁶ *ibid*

³⁷ Friedman S, ‘Golden Dawn or White Flag? The state, civil society and social policy’, Centre for Policy Studies, 2002; 14

³⁸ Greenstein R, ‘State, civil society and the reconfiguration of power in post-apartheid South Africa’, Centre for Civil Society, at <http://www.ukzn.ac.za/ccs>; 31

departments and ministries.³⁹ It is regularly consulted with, often in advance of other civil society organisations, and frequently provides inputs into government policy documents.

Because it is so close to government it is often seen as a greater source of opposition when it does oppose it.⁴⁰ Several parliamentarians and cabinet ministers hail from the ranks of the labour federation and, therefore, also provide a source of influence within the inner sanctums of government.⁴¹ COSATU has combined strike action, mass mobilisation and later, strategic participation in policymaking. It also fights to improve the working conditions of members and for non-racial multi-party democracy.⁴² The Labour Relations Act in particular, is said to be a major victory for the union federation, providing as it does, one of the most progressive labour regimes in the world.

In some ways COSATU's position is invaluable, as ruling party insider it has the advantage of active and ongoing engagement with the government. However, because it is part of an alliance, with many of its members also members of the ANC, there are often conflicts of interests and these can be impediments to full-blown criticism of government. It is one of the biggest critics of government's economic policies, and it can be argued, has been able to influence the slight shift from GEAR to Accelerated Shared Growth Initiative - South Africa (ASGI-SA).

However in a study conducted by Mackay and Mathoho⁴³ some union members interviewed felt that the alliance had engendered a culture of self-interest. Members would be less willing to stand up to government if they felt it hurt their chances of getting into government positions. More recently, it has embarked on mass strike action because of job losses and this has had the desired effect of mobilising workers. Mass mobilisation does work if used correctly, as when COSATU marched with the TAC for ARVs; and it is even more likely to produce results if there is a coherent, clear policy strategy that lays out what the situation is and what should be done. It could also be argued that ASGI-SA was the result of pressure - including marches and policy pressure from COSATU and others; so these tactics have paid off in part.

There is much name calling and in-fighting within the alliance. The following is from an article on the National Union of Mineworkers website about the COSATU strike on 1st and 2nd October 2002, and relates to the antagonistic nature of the relationship between the ANC and COSATU membership and leaders.

³⁹ Mackay S and Mathoho M, cited in Robinson M, Friedman S, 'Civil Society, Democratisation and Foreign Aid in Africa', IDS Discussion Paper, April 2005; 383

⁴⁰ *ibid*

⁴¹ Mackay S, Mathoho M, 'Worker Power: The Congress of South African Trade Unions and its impact on governance and democracy', Centre for Policy Studies, Research Report no 79, 2001: 20.

⁴² Mhone G, Ediheji O (Eds), 'Governance in the new South Africa, the challenges of globalisation', University of Cape Town and University of the Witwatersrand, 2003: 78-81

⁴³ Mackay S and Mathoho M, 'Worker Power: The Congress of South African Trade Unions and its impact on governance and democracy' Centre for Policy Studies, , Research Report no 79, 2001: 24

“They roared and whistled their approval for a South African Students Congress (Sasco) speaker who announced that “if being ultra left means defending jobs and fighting against poverty, then we are proud to be ultra left.”⁴⁴

“His blunder (Gauteng Premier, Mbhazima Shilowa) was to start by condemning the looting carried out by the Congress of South African Students (Cosas) during their march earlier this year. From then on, as hard as he tried to convince his erstwhile followers that the ANC government was allowing for negotiations around privatisation through the National Framework Agreement and was committed to providing comprehensive social security, marchers just booed, jeered, shook their fists or jabbed their sticks in the air. It took the COSATU leadership to cool the crowd and to call for order.”⁴⁵

On the downside, COSATU has refused to work with the new social movements such as APF and Landless Peoples Movement and is extremely critical of them, although they seek the same objectives. In some cases these groups have worked against each other even on the same issues. Instead of fighting the state, they fight each other and this is counter-productive. Infighting amongst civil society leaders has created embarrassing results, especially when the two opposing groups try to hold separate protest marches on the same issues. This was the case when the alliance-based ‘Stop the War’ campaign and the social movement-based ‘Anti-War Coalition’, were supposed to march against the US war in Iraq. The two groups had a fallout and the alliance tried to postpone the march by a few days. So even amongst CSOs there is great tension regarding engagement with each other. Such tensions prevent CSOs from exploiting the advantages, such as increased impact and pressure, to be had from unified collective action. Working together creates unified objectives and results in a greater chance of getting the government to listen.

4.1.2.3. IDASA

IDASA is a professional advocacy organisation without a membership base. It conducts advocacy work, mostly through capacitating other organisations to conduct advocacy activities. Through its training and education programme it helps organisations better understand issues pertaining to their specific interest and thus puts them in a position to challenge government. For example, it trains workers on labour laws so that they can defend their workplace rights. It also works with youth organisations to improve their advocacy work, and helps COSATU to understand government budget reforms.⁴⁶

⁴⁴ Grice J, ‘COSATU Strike: On the sidelines’ at http://www.numsa.org.za/article.php?cat=200211_NNews&id=482, November 2002; Accessed December 2005.

⁴⁵ *ibid.*

⁴⁶ Kabemba C, Friedman S, ‘Partnerships and its problems: The Institute for Democracy in South Africa, democratisation strategy and foreign aid,’ CPS Research report no81, 2001: 18

However IDASA does at times engage in direct lobbying; in 2004 it campaigned for the major political parties, including the ANC, to reveal their private funding sources. IDASA eventually took the cause to the courts but lost their case in the constitutional court. But they did highlight a critical and neglected part of party political funding, that of private donations, which they felt should be regulated in the interests of transparency.

Litigation is a very useful strategy for civil society organisations seeking to change policy or legislation or to force the state to comply. And the constitution provides for the public to act as friends of the court or “amicus curiae” - meaning that any party or individual may provide information and arguments to the court, even though the party may not be directly involved in the case. A typical example is in the TAC case for ARVs where IDASA was able to act as “amicus curiae” by providing expert evidence.⁴⁷

IDASA has good relations with some government departments (provincial affairs and local government, for example), parliamentary portfolio committees (such as finance, foreign affairs, correctional services, and home affairs), and some provincial legislatures. The obvious concern is whether their close relationship with government undermines their ability to constructively engage on issues which they oppose.

IDASA functionaries claim that its “role is not to criticise the government. Instead, we find why it is not delivering on its promises. If we find that it is because it lacks capacity or it is because of ignorance, we make sure we provide skills and awareness to it.”⁴⁸ IDASA’s approach to engagement with the state has mostly been amicable: It recognises the need to work with the state on issues - even where they disagree on these. By maintaining good relations with the state, they are able to better access government departments and assist in creating state capacity.

4.1.2.4. The South African National Civic Organisation (SANCO)

While SANCO’s ability to engage in and influence policy has been of marginal significance, affiliated civics have had a significant impact at the local branch level by mobilising for local issues and providing ‘voice’ for local citizens. Several of the active branches have been engaging with local authorities by forcing municipal officials to account to citizens, through the exposure of corruption and fraud and dealing with problems of housing, service provision and taxation.

SANCO has also consistently opposed credit control measures that do not account for the economic circumstances of township residents. In some municipalities, its watchdog function helps the ANC understand the people’s real needs and provides correctives to government action. But unlike COSATU, its proximity to government via the tripartite alliance militates

⁴⁷ IDASA, ‘Advocacy, litigation and amicus curiae’, at http://www.idasa.org.za/output_details.asp?RID=619&TID=4&OTID=4

⁴⁸ Kabemba and Friedman; 18

against it supporting alternatives to state policy. Rather than mobilising support through public action, SANCO has opted to work through its channels of influence, discreetly and without embarrassing the government.⁴⁹ Not only has this strategy proved futile, but it has forestalled efforts to do what successful national social movements are supposed to do - provide conduits for aggregating and framing local grievances and collective action repertoires.⁵⁰

During the SECC's "Operation Khanyisa" campaign, SANCO worked with government to persuade residents to pay their electricity bills, despite the fact that the government admitted that people were being inaccurately billed and corrupt contractors had cut electricity to force residents to pay high reconnection fees. This highlights the way in which proximity to government can act against the interests of the very people that an organisation claims to represent in its interaction with government.

SANCO's engagement with the state has been mixed and often confusing. In 1996 it agreed that it would help the police evict defaulters, but would still protect the poor. In late 1997, after power cuts and the popular anger in response, SANCO changed tact, saying that its previous policy had been wrong and it opposed the government's actions.⁵¹ The organisation pulled out of a partnership with COSATU at the last minute; it was supposed to have supported COSATU in the 2001 and 2002 anti-privatisation strikes. It was concerned more with what it perceived as a conflictual relationship between the ANC and COSATU, rather than an opportunity to actively engage the state on an important policy issue that it felt strongly about.⁵² This is symptomatic of SANCO's dilemma: it seeks to act as an umbrella for civic organisations and speak on behalf of residents in often poor and under-resourced neighbourhoods, while nervous about doing anything to upset its relationship with the ruling ANC. This is in contrast to COSATU, which has engaged the state head-on on controversial issues, despite its alliance with the ruling party and the fact that its officials contest national elections under the ANC banner.

Clearly an alliance with the ruling party can cause the leaders of civic organisations to think twice about representing the best interests of citizens where they perceive that their relationship with the state (and the patronage that this relationship often offers) could be harmed. This dilemma appears to have immobilised the organisation and it no longer enjoys the widespread support it did during apartheid. Indeed, the issues now being contested by the SECC, for instance, would typically have fallen to SANCO, given its area of operation. That SANCO is not the lead organisation in this campaign, speaks volumes about this.

⁴⁹ Heller P, Ntlokonkulu L 'A civic movement, or a movement of civics?: The South African National Civic Organisation in the post-apartheid period', CPS Research report 84, 2001: 38

⁵⁰ *ibid*

⁵¹ Zuen E, 'Continuity in contradiction? The prospects for a national civic movement in a democratic state: SANCO and the ANC in post-apartheid South Africa', Centre for Civil Society, Research report no. 26, 2004: 14

⁵² *ibid*; 17

Another problem is the apparent inability of big civic organisations such as SANCO to partner constructively with other, more adversarial, social movements such as the APF to affect change. The decision by civic organisations to work together on issues surrounding a developmental state, could be the turning point in the struggle for social justice, and should be taken seriously.

In sum, it appears that SANCO is caught between serving the interests of the poor and maintaining a relationship with the governing party. If it is not to become irrelevant, the organisation will need to clearly come out and take a firm stand on issues affecting its members.

4.1.2.5. Jubilee South Africa

Jubilee South Africa's (JSA) debt campaigns have focused on at least three major issues:

- the debt burden of low income countries;
- the debt utilised to finance destabilisation in Southern Africa during the apartheid period; and
- the national debt inherited by the new democratic government in South Africa from the apartheid era, notably those debts owed to foreign banks.⁵³

JSA has used a variety of modes of action, including protests, the organisation of large national conferences (on reparations, for instance), objecting to the South African government's proposal in 2001 to borrow from the World Bank to finance hospital restructuring, assisting in launching a major lawsuit in the US to seek reparation against multi-lateral corporations that transacted business in South Africa during the apartheid era, and supporting other South African social movements.⁵⁴ Government has rejected the US lawsuits, refused to be party to them and accept any verdict that would compel it to take action, in respect of both lawsuits.⁵⁵ JSA's successes have been impressive but little has changed, since government refuses to recognise the rulings. It continues to campaign and has been lobbying the Minister of Justice to acknowledge the apartheid debt owed to victims and to support their latest case against Barclays Bank. Jubilee SA had also previously lobbied government to withdraw approval of Barclays to buy a share in ABSA bank. This campaign, however, failed.

Jubilee's campaigns have enjoyed robust international support through the issue of reparations being raised via media campaigns, direct meetings with government officials, public events, as well as a series of international conferences that have brought together

⁵³ Rustomjee C 'Jubilee South Africa' at www.nu.ac.za/ccs/files/Rustomjee%20JSA%20ResearchReport.pdf; 2004

⁵⁴ *ibid*; 5

⁵⁵ *ibid*; 19

victims and alleged perpetrators, government officials and others.⁵⁶ JSA has specific methods of intervention, in particular, working closely with COSATU, the South African Council of Churches (SACC), and SANGOCO in support of a People's Budget. 'A Peoples Budget entails the scrapping of the Apartheid debt and imposing appropriate levels of taxation for companies and higher income earners, thus releasing resources for social expenditure sufficient to meet people's basic needs and to stimulate the creation of jobs in the process'.⁵⁷

Critics charge that as long as the government pursues GEAR, which many, including JSA, believe to be a neo-liberal agenda, then it will act contrary to the interests of business and foreign investment. Strengthening links with other organisations that have a pro-poor agenda and working with them to develop specific alternatives to government policies, will strengthen the organisation's demand-making tactics.

4.1.2.6. The Landless People's Movement (LPM)

The Landless People's Movement first launched the "End Poverty: Land! Food! Jobs!" campaign in March 2002, ahead of the World Summit on Sustainable Development. This campaign attracted considerable media attention and exposed to the world the fact that despite South Africa's freedom and democracy, the majority of its citizens still remained economically marginalized. It also launched, in response to farm evictions and removals in urban settlements, its "Free the Farmdwellers" and "Stop Forced Removals! Stop Evictions!" campaigns.⁵⁸

The basic demands of the movement include the rapid and wide redistribution of land to the landless and secure tenure for all. The movement is calling for a review of the government's 'willing seller, willing buyer' model of land reform and its replacement with a new process not so tightly based on the market. It also wants an end to evictions, and a process of transferring land to those residing and working on it.⁵⁹

Following the initial and much publicised rise of the LPM, both the South African Communist Party and COSATU have made public statements calling for the speedier and more effective implementation of the official land reform programme.⁶⁰ In 2004, the LPM gave the Eastern Cape provincial government an ultimatum to fast-track the land redistribution process or face land invasions; it gave Bisho seven days to respond to its grievances and threatened to boycott the 2004 national general elections if it did not. The

⁵⁶ *ibid* P18

⁵⁷ *ibid*

⁵⁸ Landless People's Movement (Gauteng), 'Discussion document on forging a united front with the SACP' at <http://www.aidc.org.za/?q=book/view/363>

⁵⁹ Greenberg S, 'The Landless People's Movement and the failure of Post-apartheid Land Reform' at <http://www.nu.ac.za/ccs/files/Greenberg%20LPM%20RR.pdf>, 2004: Accessed November 2005; 2

⁶⁰ *ibid*; 31

organisation accused the ruling party of diverting from its manifesto pledge to give land to the poor and demanded a forum for organs of civil society to adequately engage with the proposed Communal Rights Bill.⁶¹

The other type of mobilisation employed by the LPM is spontaneous organisation to resist removals. In the informal settlements, especially around Gauteng, the LPM spread rapidly by coming to the defence of residents faced with the immediate threat of forced removal in 2001 and 2002.⁶² The LPM has adopted a number of controversial tactics and campaigns to highlight its demands for a radical redistribution of land and secure tenure. Most notable of these has been the movement's land occupations campaign and its support for Zimbabwean President Robert Mugabe's land expropriation programme.⁶³

The Freedom Front Plus, a conservative parliamentary political party with support in the white farming community, lodged a complaint with the SAHRC against LPM National Organiser, Mangaliso Khubheka. He was reported to have stated that "if a farmer kills a farm worker, we will kill the farmer" and that LPM members should make themselves available for training as military cadres.⁶⁴ The SAHRC claimed that this was hate speech and thus unconstitutional. The LPM's tactics have led to a number of organisations, including the National Land Commission, which administers the LPM, to openly state that although they agree with the need to speed up land distribution, they could not condone violence, or incitement to violence.⁶⁵ This fact, together with the threats of land invasion has served to antagonise government and the relationship between the two has thus been largely conflictual.

The LPM has employed a very limited range of demand-making tactics, which on the whole tend to be confrontational and controversial. The TAC seeks to win public opinion to its side, by ensuring that its cause is always portrayed as just, even when it uses tactics that may be questionable; but the LPM appears not to be investing any time or energies into winning public opinion to its cause. It could profit by taking a leaf out of the TAC's book and employing multiple modes of engagement with the state in its demand-making, including dialogue and where necessary, the courts.

⁶¹ South African Press Association, 'Parties criticise govt land policy' <http://iafrica.com/news/sa/132181.htm>, 5March 2005; Accessed December 2005

⁶² *ibid*

⁶³ *ibid*; 30

⁶⁴ Duncan J, 'Stability or new freedom of repression', at <http://www.ru.ac.za/academic/departments/journalism/rjr/spreads/pdf/spread-10.pdf>, 2004; Accessed December 2005

⁶⁵ Arenstein J and SamaYende S, 'LPM war talk lands British funders in hot water', <http://www.lowveldinfo.com/news/showstory.asp?story=5312>; South African Press Association, 'Parties criticise govt land policy' <http://iafrica.com/news/sa/132181.htm>, 5March 2005; Accessed December 2005

4.1.2.7. Community-based Organisations

Many community-based organisations (CBOs) work with NGOs in implementing programmes at grassroots level but do not have the same opportunities as large NGOs, including funding and networking opportunities. CBOs often fill the gaps left by government by supplementing government activities and responding to community needs quickly. CBOs are less formal organisations than NGOs and usually focus on a single issue such as health care provision in a specific community. These organisations are usually small, rely on voluntary staff, and have very limited funds.⁶⁶ CBOs play a very important role in society, as they tend to have first-hand knowledge of problems on the ground and can contribute in a unique way to policy development.

Local governments in particular, need to engage these organisations, as they can be catalysts for social reform. CBOs are often survivalist-based organisations that do not seek to change policy, but provide a service where there is no or insufficient service. Local governments in South Africa have not adequately begun to tap into this social capital for the advantage of society at large. Social capital is defined as the “features of social organisation, such as trust, norms and networks, which can improve the efficiency of society by facilitating coordinated action”.⁶⁷ Paul Proynk had the following to say regarding the use and importance of social capital with regards to healthcare provision:

*A deeper understanding of social networks and social capital has substantial potential to influence perspectives on the structural determinants of HIV transmission within the South African context, through shaping social and cultural norms, promoting the exchange of social and material resources, facilitating behaviour change through social support, and generating a collective response to the epidemic. In this way, strengthening a community’s stock of social capital has the potential to mitigate both the transmission and impact of HIV/AIDS.*⁶⁸

The strategic importance of CBOs tends to be overlooked by government, larger NGOs and donors, and this needs to be corrected. Funding should be provided for both organisational development and projects. CBOs tend to lack the skills needed to grow their organisations; they need networking and proposal writing skills in order to enable them to begin to attract more funding. They need to be drawn into larger networks of NGOs and CBOs so that they may learn from other community’s problems, and through such networking, amplify the voice of their constituents on policy and other issues that may affect them.

⁶⁶ Chechetto-Salles, M and Geyer, Y, “Community Based Organisation Management”, a handbook series for community-based organisations; <http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=1701>. 2006

⁶⁷ Putnam and Leonardi et al. 1993 in “Social capital and the HIV/AIDS epidemic in rural South Africa, the new magic bullet?” by Dr. Paul M. Proynk; http://www.wits.ac.za/radar/PDF%20files/socialcapital_HIV.PDF. 2002; p2

⁶⁸ *ibid*

5. CONCLUSION

Civil society, in the simplest sense, consists of organisations that interact with the state and seek to determine and alter its policies and processes. Elected officials are supposed to represent the interests of their constituents in government, so elections are a necessary, though not sufficient, condition for the functioning of a proper democracy. A vibrant civil society provides another avenue for popular will and demands to be expressed, especially between elections and outside of political parties. Civil society organisations provide avenues for those voices (and issues) that may not have been prioritised by political parties, to be placed on the public agenda. Various modes of engagement are employed by civil society organisations in their interaction with government, some of which have been the subject of controversy.

While the space for engagement has widened after 1994, some organisations tend to confine their demand-making tactics to the limited strategies available to progressive organisations during the apartheid era. They fail to take advantage of the many routes of influence now available. These include the formal (corporatist) structures such as the ward committees at local government level and commenting and testifying on proposed policy and legislation through the green and white paper process. They also include the lobbying of Parliament, using the courts, and mobilising public opinion.

This is not to argue that the mass mobilisation of people through protest marches, boycotts and stay-aways, should be abandoned. This is perhaps the most primal and potent weapon in the arsenal of any CSO because it taps into the core of its strength, its members and supporters. Mobilisation, for those organisations who do not have the means of engaging the state through the methods sketched above, may be the only effective method available to them. This is especially so when the engagement space is colonised by the more organised and resourced CBOS and NGOs. In such cases the voice of the poor and less organised can only be heard through mass mobilisation.

The point being made here is that there is a wider variety of modes of interaction that have begun to positively impact demand-making by CSOs. The TAC experience teaches us that these methods should be a part of any CSO's repertoire, each to be employed tactically rather than carelessly, depending on the situation. Indeed, simultaneous employment of these methods may be strategic in some situations. Limiting demand-making to one mode of interaction with the state may constrain the ability of organisations to influence events.

Some of the methods described in the paper have had more success than others. One such method is mass protest. Mass protest in particular has served to highlight the grievances of the poor and marginalized, but has not always been followed up with constructive engagement, resulting in small victories with no long-term policy change. The lesson to be learned here is that protest needs to be followed up with policy alternatives, strategic planning and most importantly, communication.

Another successful method has been litigation. The landmark case brought by the TAC against the Minister of Health to provide anti-retroviral drugs to pregnant women is a prime example of this method's potential. The lesson here is that the courts are a useful route for forcing the government to respond to demands made by citizens. Of course this form of action can be costly and not all CSOs can afford to pursue it, but it is a worthwhile tactic in a country with a strong independent judiciary.

The TAC has also had particular success with their high moral stand. It has been useful in strengthening their cause and weakening the government's position. The lesson to be learnt is that the voting public has a moral conscious and this is certainly a factor that has not been tapped into or used as strategically as it has been in the case of the TAC.

Conflict is often exacerbated by misunderstanding and negative stereotypes. The lesson here is that narrow notions of how state-civil society relations should be conducted should be discarded. Mutual distrust and ambivalence between the parties involved should be suspended. There has to be a stop to the 'them', 'we' approach, towards more open, participatory means of creating a developmental state.

Some of the methods employed by organisations have been aggressive and some have been cooperative. One method alone can place constraints on the ability of CSOs to effect change. Tactical responses and a readiness to employ engagement methods that might best elicit a response in a particular situation, may increase the chances of success.