

**More Continuity Than Change?
Reconfiguring Relations between ANC
and Civil Society Post-Polokwane**

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Introduction

The present is always defining itself against the past, and in South Africa it is too easy to create another black/white category in which the past is uniformly bad and the present good. It cannot be gainsaid that there are many things that are better than “before”, but we have to acknowledge that some things are not, and it is useful to begin to interrogate the differences, to sift out the good and bad of then and now.¹

Has the Zuma-lead ANC revised its attitude towards civil society organizations?

This Policy Brief is part of a one year research project conducted in 2009 on the positioning of civil society organizations in relation to a post-Polokwane ANC. It explored, *inter alia*, the following questions: Has the Zuma-lead ANC revised its attitude towards civil society organizations? How do these organizations perceive the ‘new’ ANC? What are the implications of the ‘new’ ANC for civil society organizations’ engagement with policy? And, finally, how do civil society organizations intend to concretize and operationalise their responses to policy engagement with the ANC in the light of these implications? How do they intend to respond to maximize their impact on ANC policy formulation and implementation?

The material in this Policy Brief is drawn largely from this research, and opinions cited emanate from the interviews on which the research was based. The discussion interrogates perceptions of the nature and extent to which the ANC has revised its attitude towards civil society organizations, and in turn, how some organizations intend to respond. It explores whether or not strategic and programmatic changes and realignments towards the ruling party are on civil society organisations’ agendas, in order for them to more successfully impact on policy formulation and implementation.

Civil Society’ Perceptions of Zuma and the post-Polokwane ANC

An initial dominant characterisation of Zuma’s Polokwane triumph was that he was swept into power by a surge of populism. One analyst remarked that “if [he] did not exist, the leftist populist movement in South Africa would have invented him”.² Similarly, the analyst Fikeni argues that disaffected factions within the ANC, the alliance, the ANCYL, ANCWL, MK veterans, employed strategists to ‘package’ Zuma, in a particular way, antagonistic to the image of Mbeki.³ There seems to be no doubt that the new ANC leadership, including

¹ Shaun de Waal. “Mosaics of Melancholia”, Mail & Guardian, 04-10 December 2009, p 5

² Mathekga, R. *The ANC ‘Leadership Crisis’ and the Age of Populism in Post-apartheid South Africa*. In African Politics: Beyond the Third Wave of Democratisation. (ed) Pretorius, J. Johannesburg : Juta Academic, 2008, p 138

³ Fikeni, S. “The Polokwane moment and South Africa’s democracy at the Crossroads”, In *State of the Nation 2009*, (eds.) Kagwanja, P et al. Pretoria : HSRC Press, 2009. p 8

Zuma himself, deliberately and strategically, exploited conditions of disaffection from, and dissatisfaction with, the Mbeki-lead ANC, and embarked on a populist cause to rally support against an Mbeki government. Populist mobilization was clearly a deliberate and useful strategy that served them well in the context of worsening socio-economic circumstances, including Zuma's own personal problems with the law and judicial system. Had Mbeki and Zuma remained friends, and had Mbeki not had a poor relationship with COSATU and the SACP, it is likely that populism would have remained dormant. Its emergence was an elite driven process, which has been demobilized now that the new leadership is in power, irrespective of the fact that the plight of the disaffected ordinary masses remains the same as it was prior to the Mbeki faction of the party being overthrown in 2007.

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The notion of a populist ANC has both positive and negative connotations. Those who believe in its positive impulse, remark on a number of aspects. First, that the ANC now appeals to groups previously excluded from decision-making, such as the homeless, marginalized and unemployed. Populism is seen as having a cross-class appeal to ordinary people's interests. Second, that space for input and engagement in policy-making has opened up to all sectors and interests in civil society, including, for example, right-wing Afrikaner groupings such as the Solidarity Trade Unions and the residents of the 'independent' Afrikaner homeland of Oranjia. Third, there is a distinct change in the style of Zuma and the ANC, compared to that of Mbeki, insofar as Zuma communicates directly with the people. Fourth, there is a belief that, whereas Mbeki believed that the middle class elite should lead transformation, and thus created an African bourgeoisie, Zuma believes it is the working class, and thus evinces pro-poor attitudes and supports pro-poor policies. Fifth, there is the presentation of Zuma as a victim of a conspiracy against him, which resulted in successive trials. It is believed that the poor identify with this notion.

Those who observe the negative implications of a populist ANC, identify the following aspects: First, that Zuma attempted to co-opt conservative and religious backing. For example, Tinyiko Maluleke, President of the South African Council of Churches, notes that Zuma's strategy of inclusion and exclusion is not that different from that of Mbeki. He cites as an example that

[t]he "Zuma way" of organizing, policing and containing churches, is to corral them into the new Inter-Faith Council. He is scared of the SACC because it has spoken against him and the ANC. This was not appreciated by Mandela or Mbeki. Zuma is a lot less tolerant of dissent than Mbeki. At the macro-level, Zuma's approach to the church is not different to Mbeki's

who also had an inter-faith Council. Each has chosen his own group, and the critics are not in the fold.⁴

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

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A second note of caution is sounded by those who believe that there is, or is going to be, a marked difference between appearance and reality; that the appearance of an embracing ANC will be exposed by the reality of double-speak and actions not coinciding. This could have deleterious consequences. For example, the director of a labour research organization believes that "the Zuma presidency is in an *official* engagement with the underclass. The alliance *theoretically* speaks the language of the poor". The language is there in government. This could have material effects and it can create expectations. We may see a phase where there are more expectations, but this just means there will be more likely protests when they are not delivered on (author's emphasis).⁵

A third position posits the notion that the Zuma alliance is profoundly conservative, and that Polokwane was about "a fundamental disagreement about how to deal with revolution from the left".⁶ Another posits that "the ANC holds populist sentiments including aversion to gay rights, support of the death penalty, and xenophobia. More democratic space does not necessarily mean more progressive policies".⁷ "Zuma is feudal, backward and reactionary but has the façade of a progressive and uses the language of the Mass Democratic Movement. He knows his base is xenophobic, misogynist and reactionary. There will be no change in ANC policy".⁸

A further fundamental problem with the alliance which catapulted Zuma to power is that it is not coherent or cohesive within itself, nor does it have a consensual approach to policies. It is a loose and diverse group of interests, dominated by the desire to dethrone Mbeki. As such, once it achieved its

⁴ Interview with Tinyiko Maluleke, President of the South African Council of Churches. Pretoria 05 August 2009

⁵ Interview with Lenny Gentle, Director, ILRIG. Cape Town, 04 June 2009

⁶ Interview with Trevor Ngwane, Soweto Electricity Crisis Committee. Johannesburg 25 June 2009

⁷ Interview with Michael Sachs, Chief Director: International Finance and Development, Treasury. Johannesburg 03 June 2009

⁸ Interview with political analyst, Cape Town 09 July 2009

mission to unseat Mbeki, the glue which held it together, appears to be dissolving. What remains is a fractious, competitive set of competing interests, each attempting to dominate the others. Their vote was not pro-Zuma, but anti-Mbeki. This alliance of multiple conflicting interests was bound to implode.

The Zuma-ANC's Likely disposition towards civil society organisations

The Zuma-ANC inherits a very different socio-economic and political context to that of Mandela and Mbeki. According to a human rights activist, the previous two presidents

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had the luxury of time and money. Now, people's patience is wearing thin, and money is tight. The country is on a knife-edge, with shrinking financial resources, and an increasingly demanding and impatient citizenry. Because of the time, money and intellectual sophistication and professionalism Mbeki had at his disposal, he could afford to shut out civil society. Zuma's government is likely to be more open. They realize that they can't do everything themselves. Government is likely to become more reliant on good research and policy institutions. There is less money available to government, so its response to civil society inputs will be tempered by financial constraints.⁹

In some areas, the ANC is already engaging with civil society organizations. The Women on Farms Project was invited to Luthuli House in early 2009. Prior to that, they were approached for input into the Polokwane resolutions, which were included in the ANC manifesto. PLAAS also made extensive recommendations for the Polokwane resolutions. IDASA was approached to provide input into the ANC election manifesto. This suggests that the ANC is drawing upon intellectual resources from civil society, imitating the relationship between the ANC and civil society organizations between 1993-1995.

For those who believe and have experienced the opening up of space for the engagement of civil society organizations with the ANC, the caveat is that they must claim and exploit and hold that space, that they must seize this moment. A labour analyst observes that "we have to learn from history...We can't do the 1994/5 thing where we assumed the ANC would be more sympathetic to workers...Now there is more room for engagement with government. Unions created this space. We have created this opportunity for change, and if we don't sustain it then we have ourselves to blame".¹⁰

⁹ Interview with a human rights activist, Johannesburg, 05 August 2009

¹⁰ Interview with Saliem Patel, Director, Labour Research Services, Cape Town 05 June 2009

Building on this argument, many civil society activists have the negative experiences of the Mbeki era, when they perceived themselves to be shut out by the ANC, fresh in their memories, and qualify the more euphoric expectations of the Zuma ANC. They anticipate that after an initial 'honeymoon' period, and apparent expansion of space for civil society engagement with the Zuma administration, there will be a subsequent contraction of this space, and relations will revert to those which dominated the Mbeki era: "Now, space is relatively fluid and open, but over time, the hegemony of the state over civil society will build again, and responsiveness will become less".¹¹ One commentator says that although "there is a glimmer of hope" with "the perception that there is a much more open environment than there was under Mbeki, civil society must question if this is just another empty promise".¹² Another asks "how long does this space stay open before the state reconsolidates and as new people settle down? I expect it will not be that different in the long run to the Mbeki regime".¹³ Another commentator goes further, arguing that, not only will there be no fundamental shift in relationships between the ANC and civil society organizations, but that "Zuma operates behind a veneer of organizational and political populism. He represents 'social fascism'. There will be a reversal of progressive gains made under Mbeki in terms of policy. Zuma represents whatever he wants to. He shifts interests to those backing him."¹⁴ Another respondent avers that "Zuma appears to be more accessible. He is a populist and is all things to all people. He will use structures within the party to gain power and to keep it".¹⁵

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Ally raises the interesting paradox of the shift of power from the Presidency to the party, and its possible consequences of containing debate within the alliance, rather than between the ANC and civil society organizations:

Debate and contestation about issues now occurs within the ANC and the alliance partners. There is not much debate or contestation outside these structures. Because Mbeki suppressed debate in the ANC there was a lot of contestation outside. Intellectually there is no debate on the real and hard issues. The major issues are debated within the alliance. Civil society is not saying anything about race, for example. There is a strong need for a critical thinking voice of civil society to emerge.¹⁶

Even if there is a shift in power from the Presidency to Luthuli House, 'Zuma is going to have to work with the same political culture that dominates the ANC...That culture is technocratic, bureaucratic, centrist and statist. Space for

¹¹ Interview with Ebrahim Fakir, Electoral Institute of South Africa, Johannesburg 17 August 2009

¹² Interview with Russell Ally, Programme Manager, Ford Foundation, Johannesburg, 17 August 2009

¹³ Interview with the Director of an NGO, Pretoria 10 June 2009

¹⁴ Interview with Dale McKinley, Anti-Privatisation Forum, Johannesburg 13 July 2009

¹⁵ Interview with Sheila Meintjes, Professor and Head, Politics Department, University of the Witwatersrand and former Gender Commissioner, Johannesburg, 18 August 2009

¹⁶ Interview with Russell Ally, Programme Manager, Ford Foundation, South Africa

civil society to challenge and change things will be limited, even based on the assumption that Zuma is more accountable”.¹⁷

Implications of the ‘new’ ANC for civil society policy engagement

“There will be an opening up, with civil society supporting the state more, rather than making claims against it”.

Many commentators believe that more space has opened up for civil society organisations’ engagement with the Zuma administration. This already implies that existing institutions for engagement, from parliamentary portfolio committees to ward committees, can be used more effectively and productively. Some also believe that civil society is now stronger than it was under the Mbeki administration, precisely because of the greater likelihood of a responsive ANC as a result of the past leadership crisis within the ANC and what happened to Thabo Mbeki. However, as a civil society analyst warns, “although civil society is in a much more positive space, it is a space that [organisations] should not be complacent about because it is not a guaranteed space”. A factor which he believes can benefit some sectors of civil society organizations success with government engagement is a developmental agenda.¹⁸ An analyst within the ANC agrees that “there will be an opening up, with civil society supporting the state more, rather than making claims against it”.¹⁹ Mark Heywood of the ALP concurs, saying “we have to take the government at face value...We must do what we can to assist. We wouldn’t easily take on major litigation at this point, but it doesn’t mean we wouldn’t litigate at all. This is a different political scenario”.²⁰ He observes that Zuma is qualitatively different from Mbeki, and more accessible”. This has carried over into government, with easy access to the Minister of Health, who calls up the ALP and TAC. On December 01, World Aids Day, Heywood appeared on the same platform as Zuma and Health Minister Motsoaledi, as Zuma unveiled the government’s new HIV/AIDS plan. But again, Heywood warns that “this doesn’t mean that civil society must be lulled into a false sense of security. There are still rotten people in the ANC...who lack honesty and integrity, are not democrats and do not subscribe to the Constitution. They have less hesitation about impinging on the powers of the judiciary.”²¹ Jeremy Cronin views the ‘real challenge’ as being

To develop a relationship which will always have a tension inherent in it, between the state and civil society. We must not build a moat between the two. We must dynamise the connection. Social movements need to not always see themselves as in opposition. They might need to oppose certain policies. The state also needs to see that it can’t affect transformation

¹⁷ Interview with Glenn Hollands, rural activist, East London 23 June 2009

¹⁸ Interview with Adam Habib, Deputy Vice-Chancellor, University of Johannesburg, 20 September 2009.

¹⁹ Interview with Michael Sachs

²⁰ Interview with Mark Heywood, AIDS Law Project, Johannesburg 21 July 2009

²¹ Ibid.

unless there are 'popular motive forces'...The real reason [for lack of progress with transformation] is that there is no social mobilization of forces. Instead the government tries to go through traditional leadership or negotiate with commercial farmers, and so on.²²

Thus it is understood that the adversarial relationship between civil society and the ANC which prevailed under Mbeki has shifted, and must shift fundamentally, to a relationship of collaboration and cooperation. However, Heywood warns that the way in which Mbeki worked is open to Zuma as well: "Zuma will impose conservatism on the ANC. But we won't get a rerun of Mbeki. Social issues are different and the naivety is gone. There is a sense of greater desperation to deliver".²³

Others see the implications for civil society organisations' engagement with the Zuma-lead ANC as more mixed:

Thus it is understood that the adversarial relationship between civil society and the ANC which prevailed under Mbeki has shifted, and must shift fundamentally, to a relationship of collaboration and cooperation.

When people see a change in politics it raises a lot of hope. Some see Zuma as a person who is pro-poor. As much as he is pro-poor in heart, he is still working in a capitalist system where it is not that easy for him to do what he likes. He has to work within the mandate of the ANC. This is the same ANC who has not delivered to the poor. We should not raise high hopes. The same thing happened when Mandela came into power; we had high hopes. But there are still so many of us living in shacks. Zuma may offer jobs but how can he meet this? People will believe you but when you can't deliver people will lose hope. Zuma exaggerated and it is not very likely it will work. Every day people are losing jobs. Why doesn't Zuma first try to stop people from losing jobs and then look at creating new job opportunities?²⁴

An ex-MK cadre is more emphatic. He believes that civil society is likely to be weaker than it was during the Mbeki era. He argues that "rhetoric does not refer to ways in which the popular can be organized and manifested...Stalin said 'deeds not words', so let's see. My general view of the Zuma phenomenon is that it is demagoguery...[There is] primarily personalization and religiosity around the leaders".²⁵ Although agreeing that civil society is weak, a political analyst believes that, nevertheless, future hope lies in civil society. South Africa needs a vibrant civil society...at this stage there is a vacuum which civil society can fill". He explains that the weakness in civil society

²² Interview with Jeremy Cronin, Deputy Minister of Transport, Cape Town 04 June 2009

²³ Interview with Mark Heywood

²⁴ Interview with a member of Abahlali base Mjondolo. Durban 22 June 2009

²⁵ Interview with ex-MK cadre, Johannesburg 06 June 2009

Is a function of a weak state. The state can't deliver goods, transfer money, for example, social grants and pensions; has only the semblance of a police force. Local government is weak. Only a strong state can generate a vibrant civil society. People are...too preoccupied with trying to feed and clothe themselves, finding jobs, and just trying to survive, to have time to engage in associational life".²⁶

Civil Society Response: Policies, Programmes and Strategies for greater impact

They are waiting to see whether the leadership, policy, process and structural changes introduced by the Zuma ANC will be consolidated, and whether they will have something new and meaningful to engage with.

The majority of civil society activists and practitioners interviewed said they have not revised their advocacy or research programmes, or strategies for impacting on policies, for the following reasons: First, because it is too soon. They are waiting to see whether the leadership, policy, process and structural changes introduced by the Zuma ANC will be consolidated, and whether they will have something new and meaningful to engage with. Second, because they do not believe that shifts in the political terrain necessitate revisions of their programmes, and that they should take responsibility for their focus and not be subject to external political influence. They should at least remain independent of party influence, if not set and lead the policy agenda. Third, some believe that is sometimes more important and strategic to respond to changes in donor priorities, although this may fragment their focus and result in undesirable discontinuity, thus possibly weakening their organizations. Fourth, some have decided that there is in fact no real change in the political terrain, in terms of policy or process, and thus nothing to respond to. Fifth, a gender activist notes that to only engage with the ANC increases its power. She avers that the party, state and government must be disaggregated, and approached strategically. "You have to analyse what is changing in the environment that will hinder or enhance your goals but you do not position yourself and define yourself and react to what the ANC is doing. That is putting yourself in a very weak position. You do not shift just because there has been a shift in the ANC but you do respond to changes in the environment and of course the ANC is a very important aspect of the environment".²⁷ There was also a warning sounded that

Access and influence are very seductive and when you start getting it sometimes you are willing to make compromises so that you do

²⁶ Interview with a political analyst

²⁷ Lisa Vetten, Dialogue Forum 2, Johannesburg 04 November 2009

not lose the access and influence that you do have but you get less and less and less in exchange sometimes. So it is a real challenge: there are times when you also want to be adversarial but you then sit with “if I am adversarial will I lose the engagement’?²⁸

The conundrum is, then, what or whom is being engaged with; which part of the ANC is to be targeted, and is it progressive or conservative?

Another activist argued that civil society organizations began the trajectory of their projects and programmes long before the new ANC came to power, and that they are unwilling to lose that momentum and break the continuity of their own work by changing track merely in respond to policies and processes which are not consolidated and may well shift and change. Mark Heywood of the Aids Law Project (ALP) observed that it is difficult to pin down the nature of the ‘new’ ANC; that it is different to that of Mbeki’s, but ‘contradictory’. He observes that it seems to be genuinely progressive, but questions whether this is borne of true commitment to change, or merely a desire not to land up like Mbeki did. He also observes that it is “partly progressive, partly conservative”.²⁹ The conundrum is, then, what or whom is being engaged with; which part of the ANC is to be targeted, and is it progressive or conservative?

The exception to the rule of civil society organizations not changing their policies, programmes or strategies, are the ALP and the Treatment Action Campaign (TAC). They have analysed the ‘new’ ANC compared to the ‘old’ ANC, and are changing their structures, processes and priorities. The former believes that rights and state organs, especially those of the judiciary, are under attack, and will have to be more vigilantly defended. This conclusion is reached not only through an analysis of the apparent use of state organs to defend personal interests by both Mbeki and Zuma, but also through the observation of vocal attacks on the judiciary by Zuma supporters, and utterances made by Zuma himself. Heywood argues that the government continues to misunderstand the meaning of the Constitution, which is that “the governed govern the government”.³⁰ The TAC believes that, having made substantial gains in terms of the roll-out of ARVs, and given the demise of an AIDS denialist President and Minister of Health, the health sector in general ought to be improved and health-care expanded.³¹

²⁸ Lisa Vetten, Dialogue Forum 2, Johannesburg 04 November 2009

²⁹ Mark Heywood, Dialogue Forum 2

³⁰ Ibid

³¹ Ibid.

However this notion of ‘gains’ needs to be balanced against the ascendance to power of an openly, sexually promiscuous president who engages in unprotected sex.³²

Conclusion

It would seem that the jury is still out on whether or not the relationship between the Zuma ANC and civil society organisations is likely to be more amicable and productive than it was under the Mbeki ANC. Civil society organizations may hold unreasonable expectations that, given the history of the sector’s participation in the struggle against apartheid, they are entitled to privileged input into government policy. However, in modern democracies with modern political parties, civil society organizations are recognized as interest groups which utilize a range of strategies to impact on government policy. Governments exercise a hegemonising role, partially by paying greater attention to those which are aligned with party policy and process. They mobilize constituencies around particular issues when they require their support. It would seem that as South Africa’s democracy matures, the same relationship will develop between the ANC and civil society organizations. Their role in deposing apartheid does not mean that the ANC has to support civil society organizations. There may be a shift in ANC/civil society relations, but it is the nature and extent of that shift which remains open to interpretation and practical developments. The outcomes are yet to be realized.

However this notion of ‘gains’ needs to be balanced against the ascendance to power of an openly, sexually promiscuous president who engages in unprotected sex.

³² Thabo Rapoo, Director, Centre for Policy Studies, Johannesburg 15 March 2010