Civil society and the post-Polokwane South African state:

assessing civil society's prospects of improved policy engagement

Steven Friedman and Eusebius McKaiser

Centre for the Study of Democracy

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Steven Friedman is a political scientist who specialises in the study of democracy. He wrote widely on the South African transition to social equality, and is currently interested in the role of the citizen voice and has studied the role of citizen action in strengthening and sustaining democracy and promoting equality, with a particular focus on the activism of people living with HIV/AIDS. Friedman has recently completed a manuscript which seeks to develop a theory of democracy and assigns primacy to the role of collective action in creating and sustaining democratic government.

Eusebius McKaiser gained an MA in Philosophy (with distinction) from Rhodes University before spending time at Oxford University on an international Rhodes Scholarship doing doctoral philosophy research in seeking to understand which evaluative judgments about racist beliefs are conceptually robust and morally justified. McKaiser writes widely in the local and international press as a political and social analyst, and he is a weekly columnist in the leading South African daily, Business Day. He also lectures in philosophy and consults part-time in the corporate sector on diversity, ethics and communications. He has a particular interest in questions of identity and their policy implications.

Introduction

A change in government presents the possibility, but not the certainty, of a changed relationship between civil society and the state. From civil society's perspective, the question that arises is whether the new environment offers strategic opportunities for better engaging the state once actual or potential new space for influence opens up as a result of change in government? This is precisely the task that has been set for this study, commissioned by the Heinrich Böll Foundation.

At the African National Congress' December 2007 Polokwane conference there was an important leadership battle between factions supporting Jacob Zuma and Thabo Mbeki. It is now an historical fact that Jacob Zuma ascended to the highest office within both the ANC and the government. While this does not constitute a change in the party that governs South Africa, the sharp tenor of disagreements between the Mbeki and Zuma camps render a description of 'change in government' reasonable.

Change might, of course, speak less to policy and more to personality and institutional design changes. But the crux of the question that preoccupies this study remains important even if change merely stems from personality and institutional

changes rather than changes in the broader ideological and policy landscapes. Two observations justify this claim: first, the relationship between changes in personality and institutional design, on the one hand, and policy, on the other, is fluid. If, for example, civil society were able to forge more effective relationships with a new crop of political leaders it could potentially prove the *sine qua non* for incremental, if not fundamental, changes in the content and implementation of government policy. It is therefore important not to overstate the commitment to policy continuity in the ANC-led government and thereby prematurely blunt any attempt to think through ways in which civil society could potentially become more effective in engaging the state on policy; second, civil society could potentially capitalise on the obvious need that a new political leadership has to demonstrate how changes in leadership and institutional design translate into a government that better meets the substantive needs of its citizens. The Zuma government's need to distinguish itself from its predecessor may itself create the strategic opportunities for civil society to become more effective in the policy arena.

The central question of this study can therefore be crystallised as follows: what, if any, are the prospects for improved influence over public policy engagement by civil society organisations (CSOs) in light of the political changes that have occurred since the ANC elected a new leadership at Polokwane?

The **three key diagnostic insights** that this report delivers are the following. First, that there is lingering pessimism among CSOs about whether or not opportunities have opened since Polokwane as well as a sense among some CSO activists who are working to deepen and strengthen citizens' access to rights that the changes have reduced space because the new government leadership is more hostile to the rights which these CSOs seek to deepen and broaden. Second, that while these misgivings ought to be taken seriously because they describe significant trends, there is evidence that they ignore the potential for expanded political space which has opened up since Polokwane. Third, that, despite the real dangers to rights, the current environment presents CSOs with strategic opportunities to engage the state in the policy arena more effectively.

In addition to the diagnostic analyses, we have critically engaged the reflections of CSOs. In particular, we argue broadly for the following **three recommendations**.

First, CSOs need to guard against the *possibility* of missing strategic potential as a result of persistent pessimism. Second, it is critical that CSOs improve their credibility, by deepening their support base. This might prove an important catalyst for getting the government to take more seriously the representations of CSOs. Third, CSOs need to find ways to achieve their goals in the broader political realm and in society beyond the formal political arena and not view direct access to government as the sole criterion for success.

The rest of the report unfolds as follows.

In **section one** we discuss the methodological approach we have taken, and the basis on which participants were selected.

In **section two** we examine the meaning of the term 'civil society' and its relationship to democracy. This is necessary in order to get a full grip on who constitutes 'civil society' – at least for the purposes of this study.

In **section three** we assess the current state of civil society in South Africa. We conclude that civil society is simultaneously vigorous and shallow.

In **section four** we document pessimistic sentiment among CSOs that feel that although there appears to be space opening up, important constraints persist and that some rights may be under threat.

In **section five** the strategic possibilities that are on the horizon, despite the constraints both within CSOs and the political arena, are outlined.

In **section six**, the relations between civil society and society are examined. If civil society is to improve its credibility, it needs to deepen its roots. This section examines the importance of this deficiency in the current make-up of CSOs.

In **section seven** we highlight an omission in the strategic priorities that CSOs set for themselves. Democratic institutions, and rights, are necessary for CSOs to be able to achieve their goals, yet CSOs often fail to participate directly in helping to safeguard the enjoyment of certain constitutional rights and institutions.

1 Method

We held four roundtable discussions during which representatives from a wide range of CSOs participated in robust debate and analysis which centred on the key questions driving this project. We initially sent out invitations to 36 CSOs and the vast majority were able to participate in at least one session. Many participated in the majority of the sessions.

We invited organisations from a broad spectrum of civil society. There was a particular emphasis placed, however, on getting as many gender-based and grassroots organisations involved as possible. The only factor which excluded otherwise qualifying organisations is the absence of 'engagement with the state on policy matters.' For example, there were some grassroots organisations, associated with IDASA, who do important community work that is donor sponsored, but who do not explicitly seek to influence the state in terms of policy design or implementation. They were excluded.

While we were successful in attracting gender-based organisations, we were less successful in attracting organisations with deep grassroots identities. All

organisations purport to represent the interests of citizens living at the grassroots, but few, if any, have memberships that demonstrate this claim.

The relative lack of representation from grassroots organisations soon became a reality as the roundtable sessions developed. This may be almost inevitable: in order to organise successfully, any CSO needs access to resources. This immediately gives those organisations or individuals who are reasonably well-connected, and so able to access donor or other funding, much greater capacity to organise. Others, who are at the margins of society, would necessarily find it difficult to organise into a coherent, or publicly recognised, association. So it should be unsurprising that studies of this kind attract by and large organisations which may seek to champion grassroots concerns but whose membership and leadership structures do not evidently reflect the most economically, socially and politically marginalised citizens.

This methodological challenge does not impair the study's credibility. In fact, it enhances it. One of the key insights that emerges is precisely the strategic need for current CSOs to deepen their roots in order to avoid a legitimacy crisis.

The format of each roundtable discussion involved critical discussion facilitated by one of the authors of this report, Steven Friedman. Participants were asked, prior to each session, to think through certain questions that framed a particular session. In the first of the four sessions, the core aim was to allow each representative an opportunity to articulate their experience in respect of engaging government on policy matters. The second aimed to understand the challenges in the political environment. The third facilitated critical reflection on the internal challenges faced by CSOs, including the relationships *between* CSOs. The fourth and final session focused more explicitly on strategic possibilities for engaging the state on policy matters, in light of the critical reflections of the environments within which CSOs operate, both inside CSOs and within the wider political and social arenas.

The method of facilitation was less adversarial and more discursive and inquisitorial. Semi-open questions were posed, and responses gave rise to further discussion and debate on competing viewpoints. This approach has both strengths and weaknesses. The key advantage of the chosen style and method of facilitation is that participants demonstrably felt free to voice their organisational

experiences as openly as possible, without fear of ruthless cross-examination to establish the veracity of every particular claim. It can be reasonably assumed that participants were therefore sharing their experiences with sincerity, completeness and authenticity.

The key related challenges are twofold. First, we did not set out to fact-check every assertion made by participants: they are, therefore, presented here as perceptions and claims, not statements of fact. Second, it is important to acknowledge that not all subjective accounts generalise. It is possible, therefore, that the experiences of those present speak most faithfully only to the organisations present and not to all CSOs. In fact, it is also possible that some of the experiences may not be recognisable by colleagues from the same organisations represented by the participants.

However, we remain convinced of the validity of the facilitation method we selected. We anticipated these potential methodological weaknesses and mitigated against them in three ways. First, we thoroughly engaged participants on the coherence and consistency of their claims. This was enhanced by the diversity of views that often emerged on particular issues which enabled us to facilitate debate *between* disagreeing participants. These tools constitute important methods for testing the strength of claims in the absence of independent verification. Second, we were explicitly interested in soliciting detailed, first-person, qualitative narratives from individuals and organisations who had worked in a representative sample of civil society organisations. This was achieved by selecting the range of organisations and individuals who were invited in such a manner as to allow for a range of perspectives and experiences. It is reasonable, therefore, to insist that the participants' aggregate experiences, on balance, are *prototypical* of CSOs (or at least those which are well resourced enough to have been able to participate in the discussions) although not exhaustive. This mitigated against the need for an even larger number of participants, which would have been unfeasible and perhaps even undesirable because too great a number of participants would have thwarted the opportunity for all present to engage substantially on the issues that had been placed on the discussion table. Third, we chose organisations from across the ideological spectrum. The aim was not only to gauge the experiences of liberal or

'progressive' organisations but rather to engage all CSOs that seek to influence the state on policy matters. After all, the research question is aimed at understanding how any CSO, whatever its ideological or policy agenda, might respond to changes in the political arena. Not only does this justify the range of organisations present, but the diverse nature of the experiences that were reported during the roundtable discussions facilitated vigorous debate about the reality that faces civil society, making it far less likely that the conversation reflected only a very narrow set of experiences and insights – despite the fact that most the participants considered themselves 'progressive' since they were working to strengthen social equity and access to human rights.

So, while fewer than thirty organisations were able to participate in most of the sessions, and individual claims were not independently verified to guarantee accuracy or whether they were representative of the entire civil society community, our approach met the aim of extracting substantial, qualitative and vigorously debated claims about the direct experiences of CSOs in engaging the state on policy. The conclusions drawn in this report therefore form a critical – and, we believe, credible – foundation from which CSOs can draw in reviewing their strategic goals, and the tactics for achieving them.

2 Civil society and democracy

It is widely agreed that civil society has an important role in strengthening democracy. But there is no agreement on what civil society is and on what it means for democracy and effective government.

This needs to be clarified because being a part of civil society has come to be seen as a sign of virtue across the political spectrum, from conservatives seeking to limit the state's role in meeting citizens' welfare needs[1] to left-wingers who see it as the most effective available field of grassroots action against privilege[2]. Some see civil society as a realm for members of the middle classes, whose independent material base is assumed to offer a means of protecting society from state intrusion[3] while others see it as a vehicle only for popular associations or their allies. And, in Mamdani's celebrated formulation, the very notion of civil society is considered inappropriate in Africa since it seeks to impose on the continent a European understanding which obscures the need to 'put Africa's age old communities at the centre of African politics.'[4]

The approach adopted here is to see civil society as a realm in which citizens

acquire a voice enabling them to ensure that government responds to their needs and is accountable to them. This link between civil society and citizen voice was described thus by Steven Friedman and Mark Robinson:

> *Citizens do not band together in civil society organisations to avoid the state – they do so to ensure that they have a voice in government decisions. The government needs civil society if it is to respond to citizens' desires and needs – civil society needs government to protect its freedom to associate and to implement the will of citizens expressed by the competing demands and proposals of organisations which give voice to citizens' concerns. In this approach, voice is paramount – an organisation which provides a voice for as many citizens as possible and is effective in making that voice heard in society and ensuring that its preferences are translated into policy outcomes is therefore considered to make a model contribution to strengthening democracy because it offers a large number of citizens an effective voice in shaping public policy and thus ensures maximum citizen participation in decisions – the prime rationale of democracy. One implication of this approach is that democracy is not furthered only by organisations explicitly created to promote it, such as the many human rights and democracy promotion NGOs which have emerged in recent years. Strong and representative interest associations and social movements are key vehicles of democratisation.*[5]

It follows from this understanding that civil society is not the preserve of a single section of society. According to Azarya, it is founded on a recognition that all people have similar rights and obligations and that there is a readiness to moderate particular or parochial interests in consideration of some common good.[6] It is therefore not open only to those whose values we share, but to all citizens – a particular set of interests or values can interact with the state through civil society only if all can. This point needs stressing because, in South Africa over the past two decades, the term 'civil society' is used to describe only a section of civil society. If we understand civil society as the realm of citizen voice and we acknowledge that

democratic principle requires that all enjoy a say, the test of democracy's health is not whether our favoured section of civil society is able to participate but whether all can.

Just as civil society is not the preserve of a single section of society so too is it not restricted, as some formulations seem inclined to do, to non-governmental organisations (NGOs). It includes any association in which citizens associate to engage with the state, from trade unions and business associations to small grassroots organisations of the poor. And it most certainly includes the social movements which have emerged over the past few years despite claims that these movements are outside civil society.[7] It could be argued that NGOs, despite the immense attention paid to them, are the least important actors in civil society because they usually, in contrast to the other associations, do not speak for large numbers of members and therefore do not offer many citizens a voice. This view over-simplifies the issue because NGOs can play an indirect role in making it possible for citizens to be heard by government. But the point that the importance of CSOs to democracy must be judged by the degree to which they enable citizens to be heard is central to the approach proposed here. How does South African civil society measure up to this standard?

3 Civil society in South Africa

A look at the current state of South African civil society suggests that it is vigorous, effective – and shallow.

By shallow, we do not mean to make any judgment about the goals of CSOs nor are we making any ethical or other normative claim about their work. Civil society is shallow in the sense that its roots are not deeply located within the poor majority. Most of the unemployed, casually employed and informally employed are not directly represented by CSOs. Different organisations are shallow to differing degrees but almost all are unable to claim adequate proximity to, and organised participation by, the poor.

Civil society's vigour is demonstrated by the fact that decisions in national, provincial and local government are subject to debate and influence by a variety of organisations with an ability to shape the debate – and, in some cases, to prompt government authorities to alter decisions. Perhaps the most celebrated example is that of the Treatment Action Campaign (TAC) which won a change in government attitude to HIV and AIDS[8]. It is also worth noting that society's racial divisions have

not prevented the survival of a diverse and articulate civil society willing to try to hold government to account: black or predominantly black civil society organisations have not endorsed government action uncritically despite overwhelming black support for the current governing party – a pattern in marked contrast to trends in white Afrikaner society after 1948.[9] This has ensured that government decisions are challenged where they are seen not to be in the interests of citizens – a pattern which has produced a more responsive democracy. White civil society activity also remains vigorous – indeed, vehicles established to assist public participation often offer a platform to suburban white organisations whose better resources give them an advantage over the grassroots black citizens for whom such platforms are intended.

This does not mean that influence in civil society since 1994 has depended purely on whether organisations can recruit members and marshal convincing arguments. It never does – in all democracies, that part of civil society which is closest to the ruling party usually enjoys most influence. Here, this reality was heightened to a degree by the African National Congress' view of itself as a national liberation movement which represents the aspirations of the entire society – or at least of its black majority.[10] During the fight against apartheid, the ANC was thus concerned to ensure that the organisations which black people formed became part of the ANC family – the trade union movement was a key case in point.[11] After democracy was achieved, civil society organisations which were seen to be part of the broad ANC camp were more influential than others and so it was they who often offered the most effective voice to citizens affected by government decisions. The ANC's approach meant that the most important civil society action often happened within the ruling alliance and that ANC-aligned civil society was sometimes a vigorous source of opposition to government actions.[12]

The evidence does not, therefore, support frequent claims that civil society has, since the end of apartheid, been in deep decline. The first problem attached to this claim is conceptual – it assumes that what the anti-apartheid resistance was engaged in before 1994 was civil society activity. But, if we adopt the understanding of civil society proposed here, this is impossible since civil society is the means by which citizens claim their right to participate in the political decisions which a

democratic government makes on their behalf. Since most South Africans could not participate in a racial oligarchy deliberately designed to exclude them, this was not civil society activity – it was resistance to domination. Civil society did not decline after 1994 – on the contrary, it became possible then for most South Africans for the first time in the country's history.

It follows from this that the type of popular engagement which was an important part of the fight against apartheid was not going to continue after 1994. We would expect a fight against an oligarchy to be accompanied, where possible, by intense popular mobilisation – we would not necessarily expect this when newly enfranchised citizens seek to engage with the government they elected. Given the context, the remarkable feature of this interaction is not the alleged decline of civil society activism but that organisations' engagement with elected government has often been so vigorous, given that civil society engagement is an entirely new experience for most citizens.

This does not mean that civil society is without weaknesses. While the oft-mentioned financial problems which have, since the mid-1990s, been frequently cited as a threat to the survival of civil society, are clearly much exaggerated[13]. Civil society's inevitable dependence on donor funding may shape strategic priorities and ensure that organisations remain vulnerable – these pressures have obviously increased as the current economic crisis has reduced donor resources. Even within those who are able to organise and therefore to participate in civil society, there are severe disparities in influence – themselves often the consequence of highly unequal access to resources – which ensure that the better off are heard far more than organisations which may have more to say but lack the wherewithal to ensure that anyone listens. Here, as elsewhere, civil society remains highly uneven terrain, in which who has what resources and connections largely determines influence.

But, as important as these points are, they are overshadowed by strong evidence that civil society in South Africa is itself shallow because many people do not enjoy access to it. This ensures that, for all the inequalities within civil society, the most important divide between who is heard and who is ignored is not within civil society but between it and the rest of a society in which many have the formal citizenship rights which allow them a say, but not the means and the contacts to

use them. Participation in civil society requires a range of capacities and resources – including the ability to gain access to government institutions. Successive studies have found that the poor continue to remain outside civil society, ensuring that civil society organisations which champion the poor have weak roots among them. This is best illustrated by a discussion of poverty reduction, clearly the area in which the voices of the grassroots need most urgently to be heard.

Civil society shallowness and the fight against poverty

Claims that the poor lack a voice are not speculative. There is clear evidence that their voicelessness hampers democracy's ability to respond to poverty.

There is overwhelming evidence that official development debates and the policies which flow from them are often unaware of the choices of the poor.[14] Thus a lengthy debate at the National Housing Forum during the early 1990s centred on how to extend mortgage finance to the poor – despite overwhelming evidence that the poor do not want mortgages.[15] The importance of social pensions in the life of the poor has been understood only relatively recently and mass electrification plans were based on a flawed assumption that everyone who received electrical power for the first time would cease using other fuels.[16] These are all cases in which representative government and sections of civil society who purport to champion the poor were unaware of poor people's preferences which could have been established speedily if the poor had an organised voice. In each case the effect has been to weaken or derail attempts to tackle poverty.

The problem here is not a lack of CSOs sympathetic to the concerns of the poor – the civil society poverty hearings during the 1990s and in 2009 and the Basic Income Grant campaign waged by the Congress of South African Trade Unions (Cosatu) and some of its allies are but two examples of a continuing interest in poverty in civil society. It is, rather, that civil society organisations which seek to address the concerns of the poor have not yet achieved the representativeness which would enable them to reflect accurately the concerns and circumstances of the poor. There is significant civil society activity in support of poverty reduction but it lacks the capacity to undertake a sustained and co-ordinated campaign against poverty because CSOs are not embedded enough among the poor. And this in turn

may be a consequence not of indifference or incompetence but of the reality that the poor are found primarily in informal settings where their capacity to organise – and their ability to use collective action to secure policy changes – is sharply circumscribed.[17]

This does not mean that the poor do not organise or act collectively. But, because collective action by poor people is led by organisations unwilling or unable to participate in the national policy debate, it is unable to make an impact on priorities. A key current example is the wave of grassroots protest in local areas since 2005. The demands of the protesters are usually muffled or obliterated entirely by commentary and reportage which explains away the demonstrations as 'service delivery protests', a practice which is anti-democratic because it silences the protesters by substituting an elite-generated explanation of their actions for an attempt to investigate and listen to their grievances and because it assumes, inaccurately, that people at the grassroots are passive recipients of government 'delivery' rather than choosing and thinking citizens who demand to be part of the discussion on the way in which government is to serve them.[18] Research has found significant grassroots activity by the poor, but most of it is devoted to activities designed to secure 'collective sustenance' – 'survivalist' mutual aid activities rather than advocacy for policy change. The advocates of policy change remain cut off from the poor, while the organisations of the poor remain cut off from the policy debate.

This view is, for some analysts, contradicted by the rise of 'new social movements' which seem to be challenging government policy on behalf of the poor.[19] It is claimed that a range of grassroots movements have emerged – landless peoples' and shack dwellers' movements, anti-privatisation forums, electricity crisis committees – to challenge current government policies which are said to force the poor to bear the brunt of economic liberalisation.

Social movements have become more active at society's grassroots than they were several years ago, when some activists and academics projected them as the new voice of the poor. They have also begun to behave more like civil society organisations, engaging with the authorities and using the courts more to pursue demands.[20] They have also become more active on the ground: when social

protests began to emerge among poor people in 2006, social movements, by their own admission, had no role in these expressions of voice by the grassroots poor – now, it is common for movements to mobilise citizens to demonstrate.[21] But little systematic research has been conducted on the degree of organisation of the movements and what evidence we have suggests that they offer a voice to some in the areas in which they operate but are not mass movements. While they speak for some of the poor, they do not contradict the conclusion reached here – that the poor remain excluded from formal organisation and therefore from civil society.

South African civil society remains a vigorous source of citizen participation in public life and thus a means of holding government to account. Under present circumstances, however, it is likely to remain too shallow to offer the poor an effective voice in public policy formation or implementation. This may explain why, with some important exceptions – the Treatment Action Campaign and Cosatu's role, at least until Jacob Zuma's election as ANC president in December 2007, in mobilising to challenge ANC decisions with which it disagreed – civil society has, for all its vigour, mounted relatively few effective challenges to government policy since 1994 and has often been reduced to making suggestions which government decision-makers are free to ignore. While, as we will see, strategic attitudes within civil society have obstructed effectiveness, the lack of a strong base in society – and a consequent reluctance to mobilise and to form alliances aimed at galvanising public opinion in their support – have also been an important constraint. The oft-heard government claim that civil society organisations have no right to tell elected representatives what to do because, unlike democratic government, they are not elected by citizens, was often a self-serving misrepresentation of democracy's workings. But it contained a kernel of truth for it pointed to the degree to which civil society's ability to steer government in directions it would rather not go was a consequence of weak roots in society and, therefore, a very limited ability to mobilise citizens to influence decisions.

Many CSOs are beginning to understand the importance of dealing with their shallowness: one round-table participant noted that activists need a constituency in order to be taken seriously. So while it may be true that a particular CSO's reason for existing is to help the achievement of, say, social justice for all, this noble aim is

best achieved by ensuring that an organisation is seen to have a constituency whose concerns government cannot ignore. Another participant noted that advocacy and representativeness do not always coincide. In other words, the fact that a particular organisation advocates on an issue does not in itself constitute representation of the grassroots. This observation rehearses one way in which government, in its turn, could conveniently ignore the work of legitimate advocacy groups whose roots are shallow.

In fact, this shallowness is not just a hindrance to being taken seriously by government. It can also lead to the poor not fully trusting or engaging CSOs, which can therefore also lose credibility in the eyes of the poor. One excellent example of this noted in the discussions is the perception by many poor citizens that water is provided by private companies and therefore that it is not government, but the companies, who are the source of their frustration in accessing water. While CSOs do not directly promote this false belief held by poor communities, a failure to be rooted within poor communities, and to engage them through effective communications processes, hamper CSOs in forging credible relationships with the very communities whose concerns supposedly constitute the advocacy aims of many CSOs.

There is debate on the causes of this shallowness problem. Some participants argued that CSOs were indeed elitist: in this view better-off and better-connected people used organisation in civil society to further their interests and to ensure that only the well-resourced are heard. Thus the Treatment Action Campaign was a multi-class coalition along the lines of the United Democratic Front, and its victory benefited mainly the middle class since it was they who received treatment after the victory. In Cape Town, grassroots citizens marched on NGOs demanding access to money since they saw NGOs purely as sources of resources. People who claimed to speak for the poor were, in this view, questionable, since they were using pro-poor rhetoric to serve their own interests.

A contrary view suggested that civil society was not consciously elitist but was, rather, shallow – it did not have a presence at society's grassroots not because it did not want one but because it had failed to overcome the constraints on grassroots organising. There was thus a need to adopt new methods of dealing with the grassroots, and an ability to understand that people at the grassroots did

not necessarily share the social attitudes of CSOs – on the treatment of women, for example. Organisations needed to feed far more information to, and garner support from, the grassroots if the shallow pool was not to become shallower.

But, whichever view participants endorsed, most agreed that only some voices were heard in civil society and that CSOs have not built strong community-based organisations which would enable people to express their concerns. Grassroots people therefore do not only lack voice, they also lack power. There was thus a need to build power outside the state, a need to build communities. It was also necessary to question the formal forums which were made available to people to influence government decisions – the community constituency at the National Economic Development and Labour Council, Nedlac, which brings together government, labour and organised business but also provides for representation of 'community' groups in a forum which discusses development, was ineffectual and, in forums where the poor were able to participate such as Johannesburg's inner-city summit, they lack the capacity to give the kind of inputs expected at these meetings. Government processes were also often closed to grassroots people who lacked the information they needed to understand them – it could take two to three years to enable people to understand how government works.

There were also differing views on whether civil society's failure to establish a presence at the grassroots limited its influence. Some felt that CSOs were able to influence events despite it. They could, for example, demonstrate credibility by showing that, even if they did not have paid-up members at the grassroots, they spoke 'the language of the people' expressing what people felt even if those people were not members. They could develop credibility by sounding out grassroots opinion and ensuring that it was heard in government. There was also a view that it was not necessary to enjoy the support of a mass grassroots membership to speak for people – 'it is not how many you represent but who and how'. Social movements could thus represent only a few thousand people and still exert influence. The contrary view insisted, however, that civil society organisations were unable to wield effective influence because they did not speak for an organised grassroots base.

As one participant succinctly summarised this majority view, CSOs must learn to unlock the agencies of the poor rather than *being* their agency.

4 Current perspectives: civil society contemplates constraint

Have the political changes since late 2007 opened or closed opportunities for civil society to play a more influential role?

Very broadly, the changes within the ANC during this period have opened three lines of analysis, each of which has different implications for civil society organisations.

The first sees the changes as a threat to the albeit limited influence which civil society has enjoyed since 1994. In this view, the new leadership is far more interested in placing its stamp on society than in listening to independent voices. This obviously suggests that civil society organisations which do not enjoy links with the ANC leadership are likely to be banished even further into the wilderness than they were over the past decade.

The second view is almost its polar opposite. It sees the new ANC leadership as a rebellion against centralised, 'top down', leadership which stills those voices it would rather not hear. The challenge to former President Mbeki has, it is argued, freed not only the ANC but the society from the dead hand of direction from the top.

The result must be the removal of the constraints which have stilled debate and this will open new opportunities for civil society organisations to express themselves and influence government decisions.

The third view is sceptical of the intentions of both the new leadership and its predecessor. It argues that the changes must open new spaces for influence by civil society not because leaders willing to listen to citizens have taken over but because the new government leadership is not united and has no agreed vision for the future. This introduces a fluidity which was absent before Polokwane. In this context, it is argued, decision-makers are more likely to take civil society seriously both because divisions within the ANC mean that they will be searching for allies and because the fluidity means that they may be looking for solutions to governance problems. Which of these views is supported in civil society? If the roundtable discussions with civil society organisations over the past few months[22] is a guide, pessimism remains the dominant perspective.

In the view of most organisations, but particularly those who were pressing for greater expansion of human rights on issues such as gender and sexual orientation, the changes held far more threat than promise. First, they detected a change in the rhetoric of ruling party politicians on issues such as sexual preference – remarks by the president were cited as evidence and the fact that they were later retracted was not seen as significant.[23] This, it was suggested, was but one example of an environment in which rights which seemed fairly entrenched before 2008 – at least in principle – were under threat. Another example, it was argued, was a more hostile attitude towards the rights of accused persons – which were sometimes portrayed by politicians as an obstacle in the fight against crime.[24] It was argued that political change had enabled sections of the new ANC leadership to express socially conservative views which were previously taboo in government. This would clearly weaken the influence of human rights activism but the consequences could be more severe: the society may face an erosion of rights which would not only reduce the influence of civil society organisations advocating rights-based solutions but might also threaten the climate of relative tolerance in which civil society organisations had operated. A further source of pessimism was a claim that political pressure was being placed on oversight bodies – including institutions such as

the Human Rights Commission – who were said to be threatened with budget cuts if, for example, they were to try to hold ANC politicians to account.[25] While this remains a claim only, it illustrates a very high level of apprehension that constitutional protections which have made civil society activity possible are under threat.

This apprehension manifests itself even when government invites civil society participation in aspects of the policy formation process. One participant, for example, was of the view that while government sometimes allows for some participation in policy formation, the input of civil society during that process is not necessarily reflected in the final policies, or in their implementation. People Opposing Women Abuse, for example, have been consulted as technical adviser to the Commission on the Status of Women, giving the illusion of consultation with civil society, but without substantive gains in the enjoyment of women's rights following from this consultative process. Another participant, agreeing with this sentiment, further observed that the appointment of women to key positions did not in itself ensure gender equality. On the contrary, a preoccupation with representation in state bodies – 'state feminism' – obscured the fight for substantive gender equality because representation quotas in the legislature, executive and judiciary became seen as the prerequisite for and proof of equality.

In a different but related example, a representative of a civil society organisation promoting the interests of farm workers in the Western Cape also expressed disappointment that the provincial government's engagement with the organisation, seemingly indicative of a sincere desire to hear the view of civil society, did not translate into actual improvement in the legal rights and concerns of farm workers.

One participant argued that government is driven primarily by a need to attain 'buy-in' for what it does – it consulted not because it really wanted to listen but because it felt that this would win support for that which it had already decided. This claim was consistent with another argument: that while the rhetoric of government – as already noted above – gives the illusion of commitment to engaging civil society, the 'modalities' for engagement are very poor. These weaknesses in the modalities include isimbizo, which include only a section of the public affected by decisions and provide no effective means of testing majority opinion. Some participants also complained of bureaucratic attempts to hamper the arrangement of meetings

with key civil servants and political leaders. Scepticism was also expressed about new modalities such as the recently introduced direct telephone 'hot line' to the Office of the Presidency. These observations about the gap between rhetoric and effective modalities for genuine engagement with civil society are evidently based on the systematic frustration which CSOs have been experiencing in accessing government. This has led to a demonstrable lack of faith in the positive noises that have emanated from government. One participant noted derisively, for example, that government is keen to communicate the mantra that it "must mobilise civil society" as if *conscripting* civil society to implement its predetermined goals rather than eliciting and respecting independent ideas and insights from CSOs.

Second, it was argued that ruling party politicians were now far more inclined to value party loyalty. This had two consequences – greater propensity to ignore groups and individuals who were not considered loyal to the ruling party and a greater tendency to rely on the ANC and its members, rather than citizens organised independently in civil society, to debate and resolve issues. Civil society influence was therefore more difficult to wield and increasingly dependant on loyalty to the ruling party. A greater emphasis on party loyalty was also bound, activists noted, to affect relations between civil society organisations and dynamics within them. Because civil society is inevitably ideologically and politically diverse, it is divided along several axes, including support for and opposition to the ANC. A stress on party loyalty was likely to create tensions between organisations sympathetic to the governing party and those which were independent or critical of it. And, the closer the civil society organisation was to the governing party, the more likely it was that pressure would be exerted within it to ensure loyalty to the current ANC leadership. This second point is important if it is recalled that civil society is a realm in which citizens express voice within the organisations they join as well as in their engagement with political power-holders: suppressing voices within civil society organisations is, therefore, a significant diminution of democracy. The extent to which this practice threatens democracy obviously depends on how large and influential the organisation is.

For some participants, these negative trends were most evident in the country's largest civil society organisation, Cosatu.[26] First, it was claimed that Cosatu was

reluctant to form alliances with other civil society organisations – presumably, it was said, because working with organisations which might be critical of the current government would seem disloyal to the ANC. Second, it was claimed that debate within Cosatu had become more restrictive the closer it moved to the ANC in government and that there were now considerable pressures to emphasise ANC achievements and ignore failures. The removal of former president Willie Madisha because he was assumed to support ex-President Mbeki[27] was, it was suggested, part of a wider trend towards a conformity in support of government. Third, participants suggested that Cosatu's position on key issues seemed no longer to be based on principle but on the dynamics of ANC alliance politics – it had, it was argued, criticised the green paper on the National Planning Commission purely because the Commission's political sponsor is Minister in the Presidency Trevor Manuel, rather than because of cogent analysis of the content of the document itself. While Cosatu was obviously entitled to engage in Alliance politics, a preoccupation with enhancing its influence in the ANC alliance made it more difficult for CSOs uninvolved in the alliance to work with it.

This view was challenged by a participant who noted that Cosatu has supported civil society initiatives such as the BIG campaign and the Save Our SABC Coalition and is also an ally of TAC. Nor, other participants added, was it the only CSO whose relationship with the ANC influenced its decisions: the SA Council of Churches was also cited as an organisation whose links to the ANC had at times influenced its role. There was, therefore, disagreement among participants about the extent to which Cosatu is an ally with which other CSOs can partner to seek to influence government decisions. This may reflect to a degree the inherent tension between Cosatu and the ANC. As an ANC ally, Cosatu must adhere to agreements between itself and its alliance partners but, in order to remain representative of its members, it must also work with other CSOs to campaign for specific changes. One implication is that the rest of civil society can form effective strategic partnerships with Cosatu on particular issues. But there are obviously only some issues in which this will be possible because Cosatu remains a governing party ally as well as the society's largest CSO. This is not unique to Cosatu – other CSOs have had similarly complex relationships with the ANC. This is, to some extent, to be expected. After

all, many of the key leaders within civil society have long been ANC members also, and some have held ANC leadership positions. Some SACC leaders, for example, have been appointed to government, and their migration from civil society into government has not always benefited their former CSOs. The key point here is that it is unrealistic to expect CSOs which have a close relationship to a political organisation, particularly one which is in government, to make the same strategic calculations as those which have no such links, even if they remain accountable to their members. We shall argue below that the discussion on Cosatu may identify a strategic reality which has always faced CSOs which ally with the ruling party and which is therefore not a post-Polokwane trend.

Third, fears were expressed that, although politicians in power made 'the right consultative noises'[28], spaces for civil society influence were not opening up. The encouraging statements might therefore prove to be electoral posturing. As a consequence, even where civil society organisations are able to engage with the government on policy, they have little or no impact on the ensuing decisions. Activists engaged in pressing for change on, for example, gender violence and land reform described participating in policy processes which produced no real change in policy or government practice. At most, it was suggested, the new political leadership spoke the language of engagement and listening while acting rather differently: government decisions, in this view, remain at least as immune to influence as they were under the old ANC leadership.

As the debate over Cosatu shows, these views were not unanimous. But they were dominant, particularly among groups concerned to deepen and broaden human rights and those fighting for greater social equity. They are based on evidence rather than an excess of anxiety – politicians did indeed make the statements which are worrying a section of civil society and the judgment that there is no greater opportunity for civil society to influence decisions, and that this space may well be narrowing, is clearly based on real experiences. There is, therefore, no reason to challenge the evidence on which these conclusions are based. Nevertheless, there does seem to be good reason to invite a rethink of the claim that opportunities for civil society influence – and, therefore, for an important dimension of citizen voice – are narrowing.

5 From worry to strategy

Before discussing the strategic implications of current political trends it is worth mentioning that aspects of the critique discussed here may exaggerate the constraints facing civil society.

First, it is possible that some of the 'new' trends identified by civil society organisations are aspects of an environment with which civil society has been living for some time. The complaint that government is not any more willing to listen to civil society now obviously acknowledges, by implication, that it was not all that willing to listen before: while participants were able to cite convincing evidence that government was talking to them but not listening, few offered evidence that its willingness to listen had diminished.

It is also important to stress that complaints that Cosatu avoids alliances with ANC critics and tailors strategy to the exigencies of ANC politics are hardly new – they were voiced by social movements and their intellectual sympathisers through much of the Mbeki administration. Where Cosatu at that time formed alliances with others in civil society – as it did, for example, with the Treatment Action Campaign

to press for a comprehensive response to HIV and AIDS – its alliance with the ANC does seem to have imposed constraints on it even then: it declined to participate in TAC's conscientious objection campaign directed at the Mbeki government.[29] Some civil society activists also suggested that Cosatu's failure to participate in campaigns launched by other organisations may have less to do with a conscious political decision than with a long-standing reluctance to take on new responsibilities which might drain its resources.[30] It may well be, therefore, that Cosatu is not displaying a new commitment to political loyalty but a rather old reluctance to jeopardise its role in the ANC alliance or to take on issues about which its members are not immediately concerned. What appears to be a shift may, therefore, be a well-established pattern. And, if civil society organisations were able to influence events in the previous unfavourable context, they may well be able to do so in this one.

Secondly, while there have been attacks on rights which may not have been politically possible a year or two ago, this does not mean that those positions are unanimous – or that they are even a majority view. While participants in the discussions were concerned about these threats, there was also substantial support for the view that there was considerable disunity in government and the ANC.[31] A participant suggested that, while social conservatism prevails among political leadership, 'there is ideological fluidity within the state, making it difficult to accurately gauge the issue.'[32] If there is both unity and fluidity, it follows logically that the stated positions which concern rights-based civil society campaigners are contested within the ANC and the government. Thus, while President Zuma did, during 2008 when he was president of the ANC, make statements about gays which indicated deep intolerance, he was obliged to apologise, presumably in response to pressure within the ANC.[33] Thus the greater prevalence of anti-rights rhetoric now may well mean only that differences which have existed within the ANC alliance over the past decade but which were previously suppressed are now being aired, not that the social conservatives now rule. The dominant pattern seems to be an internal contest, suggesting that rights-based campaigners may have allies as well as opponents within the ruling party and government.

This also has implications for our discussion of Cosatu. If it does transpire, after investigation, that Cosatu leadership is indeed more concerned to protect its

relations with the ANC leadership than to work with others in civil society, this does not necessarily mean either that the position is unanimous or that it will last, since tensions between the union federation and the current government may well grow given the almost inevitable clash which is likely to flow from a Cosatu attempt to maximise its influence in the new administration and resistance to that. The claim by many commentators that Cosatu has unprecedented influence in the current government are contradicted by the union federation's very public attempts to pressure the new administration into listening to it– on public service pay, for example.[34] While some Cosatu leaders may well have promised their constituency that the election of the current ANC leadership would promise immense influence, the fact that the union federation continues to make public demands on the ANC, often unsuccessfully,[35] suggests that, as the new administration's term progresses, there will be new tensions between it and Cosatu and, therefore, new possibilities for alliances between the union federation and other civil society organisations.

While apprehensions about attacks on rights are understandable – South Africa has no rights tradition and the protections offered by the constitution are fragile in a divided society with wide inequalities – the evidence presented here suggests that they do not accurately describe the strategic environment facing civil society organisations since they do not recognise the opportunities as well as the threats which it presents. And, while the constraints are real, the greatest opportunity for civil society influence is the division within political leadership and the fluidity mentioned earlier. As long as government decision-makers have differing values and interests, and as long as there is no rigid ideological consensus among the governing elite, civil society organisations must enjoy the potential to win allies among political leaders and to use these as a source of influence.[36] As long as there are senior politicians who remain sympathetic to rights, the fact that some of their colleagues are hostile to them need not prevent civil society organisations from advancing closer to their goals.

Evidence that civil society organisations can, provided they identify the issues on which the government may be willing to listen, and use their resources strategically, wield influence even in seemingly hostile environments, is provided by one of the least likely stories of post-1994 civil society: the success of organisations drawn from the white right. The trade union Solidarity and the activist alliance Afriforum, both born

of the white trade union movement and, more specifically, opposition to affirmative action, seem highly implausible candidates for influence with an ANC government committed to racial change. And yet both have perhaps exercised at least as much influence as civil society organisations close to the ruling party. During the discussions, it was they who were far more optimistic about the prospects of working with the government than any other organisation.[37] There are obvious limits to the influence of groups representing white interests whose key goal is to end or substantially reduce the impact of affirmative action and they are not about to persuade the government to abandon its commitment to use positive measures to attack inherited racial inequality. But their strength seems to lie in their recognition that this need not prevent them from winning gains for their members on other issues which do not challenge core government policy. They have particularly flourished after Zuma took over the ANC and have benefited from a combination of an effective strategy choice by the CSOs and a realisation that the new ANC leadership wants to repair some of the damage it believes the Mbeki administration inflicted on race relations. It seems reasonable to assume that civil society organisations far closer to the ruling party's stated values could win similar influence if they too focussed on the strategically possible.

Obviously it is possible that part of the relative success of groups such as Solidarity has little to do with themselves and more to do with exogenous factors. For example, the Zuma government's need to distinguish itself from the Mbeki administration might include a desire to appear much more racially inclusive and to demonstrate how to deal with ethnicity and identity in a more sensitive manner. In turn, this could motivate the Zuma camp to reach out to Afrikaner groups as the most politically savvy way of demonstrating this change from the Mbeki era.

However, while this is a coherent possibility, it is unlikely that the strategic gains made by Solidarity vis-a-vis its goals, result solely from the fortuitous fact that it is dealing with a Zuma government eager to present itself as more open than its predecessor. What is evident from the tone, and strategic thinking, that Solidarity shared during the first roundtable discussion, is that it consciously thought about ways in which it can maximally benefit from the space that had opened up – *regardless of the motivation behind such opening*. Therein lies the lesson for other CSOs – while their reasons for doubting government sincerity may be justified, the key response

should be to focus energy on how, nevertheless, to best use any space that appears to be opening. Civil society organisations should not expect government to be well-disposed towards them but should be focussed on identifying those pressures and tensions within government and in the wider political and social environment which create opportunities for influence.

As Solidarity pointed out, organisations are likely to be able to increase their influence if they are able to identify pressures on the current government leadership which may make it easier for them to achieve their goals. A participant noted, for example, that Zuma faces pressure on some fronts – on gender, for example because he has to 'prove' himself in the light both of his evidence at his rape trial and reaction to statements by him which were seen as insensitive to gender equality. This creates opportunities for strategic interventions by CSOs. This sense of possibility contrasts starkly with the resignation of more progressive CSOs who regard Zuma as irrevocably hostile to gender equality and other rights issues – which implies, of course, that there is no point in engaging with his administration to win changes. A change in attitude would better position CSOs to think more strategically about how to tap into the potential created by these pressures. In fact, this 'strategic sense' manifested by Solidarity is quite remarkable; the participant representing Solidarity even expressed the view (contrary to what one might expect) that they view Gwede Mantashe, Secretary General of the ANC, as a friend, as someone with whom negotiations based on the model of hard bargaining, is possible. Of course, Mantashe's trade unionism background speaks to Solidarity's own trade union roots – this commonality does not extend to all CSOs. Still, the main point remains: pressures on governments – all governments – create strategic opportunities even where the stated positions of government leaders are unsympathetic to CSOs' concerns.

Similarly, an Afriforum participant argued that policy influence seemed to depend on how loud an organisation was – 'the baby who cries the loudest sometimes gets fed first rather than the one who is the hungriest'. This meant that it was often necessary to threaten litigation or some other form of pressure to solicit a response from the government – a Cabinet minister had said he would respond to a particular issue only when 'emotions run high'. Similarly, another participant noted that the SABC had only agreed to screen an edition of an educational series after an NGO had

threatened it with legal action. It could be argued that this pattern is not conducive to a responsive democracy in which office-holders are meant to take citizens seriously on the strength of their popular support and the value of their ideas, not whether they issue threats. And, while citizen pressure is often the only lever which influences government decisions, the pattern described here is one in which only those with contacts and resources are able to wield influence. But the analysis clearly has significant use as a strategic insight which may enable CSOs in some situations to wield greater influence. In other words, if the rules of engagement are not always as CSOs would like them to be, they still need to recognise the opportunities they provide.

Some participants did recognise aspects of this opportunity. For example, one pointed out that intergovernmental disunity exists – tensions between local and national government were mentioned as an example. The implication is that organisations need to decide whether to allocate their limited resources at the local or national level. Understanding this disunity allows CSOs to strategically choose where within government to target their campaigns. Of course, as another participant cautioned, the structure of the state can be an obstacle: the complexity of the bureaucracy can prevent CSOs from identifying who in government they should approach. While this is true at all levels of government, overbearing technical bureaucracy at local government (both from politicians and officials) is a particular constraint.

In sum, Solidarity's gains demonstrate how much more could potentially be achieved by basing attempts to win influence on a strategic assessment of trends within government rather than purely on the stated preference of politicians and officials.

At least some of the constraints on civil society influence in the current environment may therefore lie in a failure to read the strategic environment and to develop effective responses to it. A greater willingness to think strategically about opportunities and constraints would certainly enhance civil society influence. But a more general criticism is that the approach adopts too restrictive a view of civil society's prospects by focussing excessively on direct contact with the government and on the attitudes of government leaders.

6 Beyond government: civil society and society

Engagement with government is one of the essential features of civil society activity – it is through civil society organisations that citizens gain the voice which enables them to become democratic participants by seeking to influence government action. But this does not mean that civil society can only engage if government is well-disposed to it doing so. Civil society organisations in many societies have an important role in pressing governments to become more open to citizen voice, despite the fact that this was not initially what the governments had in mind.

Much of the discussion among civil society activists discussed here, however, seems to assume – probably without realising this – that effective citizenship relies on direct engagement with government to influence policy processes. Thus a participant lamented the fact that her former colleagues have now taken up posts in government but that this has not made a real difference to her organisation's goals being achieved. Their presence in government has, however, made it harder to become more adversarial in challenging the government. The point is more broadly illustrated by a preoccupation in some of the discussion with the statements of

government leaders, the workings of formal policy processes and the outcomes of direct interaction between activists and government leaders. If that were so, activists would be entirely correct to insist that, unless the government is willing to welcome them and their concerns into the policy debate, they are deprived of influence. But, while engagement with government is an important part of civil society activity, it is by no means the only one: civil society organisations can influence events without talking to anyone in government for long periods – and in contexts in which the government is explicitly excluding them from official policy processes. This is not an abstract point in South African conditions for there are clear examples from our experience. The Treatment Action Campaign won the adoption by government of a comprehensive AIDS plan and substantial changes in government practice during a period in which they were excluded from the official policy forum, the SA National Aids Council.[38] The Basic Income Grant campaign has probably helped to expand the reach of social grants despite operating in an environment in which the government made it clear that their demands would not be met.[39]

Why civil society activists place so much store on the attitudes of government office-bearers is open to varying interpretations. But it is possible that an important factor is the historical link between the fight for rights and equity and the struggle against apartheid (the links, particularly during the 1980s, between the fight for that most basic of rights, the right to vote, and other rights campaigns, were complicated and an analysis is not necessary here). There were obvious links between the two and the United Democratic Front provided a vehicle through which rights-based activism could become part of the fight against apartheid. Given this, it seems logical to assume that the achievement of democracy in 1994 prompted expectations among activists, who now continued their work within civil society, that politicians friendly to a rights and equity-based agenda were now in office and would naturally pursue the concerns of that part of civil society concerned to deepen rights and pursue equity. The assumption that new office-holders were committed to the same goal as the activists may well have prompted a key section of civil society to conclude that all that was required to pursue change was to point out to the new government the desirability of the approaches organisations favoured: no mobilisation and alliance building was needed because rights-based civil society and government were on the same side.

The reality, of course, was very different. Since the fight against apartheid was a nationalist struggle for black rights, it inevitably transpired that resistance to some rights – or indifference to them – which had been suppressed during 'the struggle' by pressures for unity, began to emerge after it. And so the rights issues which had seemed to be supported by a consensus before 1994 turned out to be contested. The pressures on governments once they take office also inevitably ensure competition between priorities. This in turn means that those who want the government to pursue particular goals cannot assume that it will agree and will therefore need to work to win the argument. This realisation that the party which defeated apartheid would not necessarily adopt, once in government, approaches which advance rights and equity was dramatically brought home to TAC by the Mbeki administration's attitude to HIV and AIDS – the fight was so acrimonious partly because activists were shocked and angered that a government which they expected to work with them to address a national health crisis was working against them.[40] But this was only an extreme version of the experience of others in civil society who found that people alongside whom they had fought against apartheid were not necessarily allies once the system was defeated. It seems plausible that this background may help explain the extent to which civil society activists still see supportive attitudes in government as important to their work – and why unsympathetic government attitudes prompt such pessimism. But 15 years of democracy have demonstrated that post-apartheid government cannot be relied upon automatically to implement the goals of any civil society actors and that action in society to win change is, in this democracy as in others, central to civil society strategy.

If, then, civil society success does not depend solely on direct engagement with the government, it is inappropriate to assess strategic possibilities purely through an analysis concerned only with whether government will explicitly endorse civil society positions and work with activists to translate them into law or programmes. It is, rather, necessary to examine the social context to establish whether it opens opportunities for influence regardless of the government's attitude. To take one example, the TAC strategy was based partly on building a 'moral consensus' within society which was meant to change the government position simply because the

weight of moral pressure from society would become too great. A related strategic goal was to build alliances in society which would turn that moral consensus into purposive action.[41] This approach was based on the key strategic assumption that governments are forced to respond to society, however much they may try to insulate themselves from it, and that, if government is not sympathetic to a goal, society may be better disposed to it and organised enough to exert influence. In some cases, even public consensus in government can be an advantage since it might trigger resistance within society which could turn implacable government attitudes into opportunities rather than obstacles – the government approach to AIDS under former President Mbeki is an obvious example and it is surely no coincidence that one of the key campaigns in an influential social coalition which challenged the government, was prompted by the government approach to HIV and AIDS.

An approach built on this insight would still need to know about decision-making trends within the government – building roots in society does not mean ignoring government. It was thus argued in one of the discussions that it is important for CSOs to understand the nature of the state with which they are engaging since strategy would clearly differ depending on that analysis: engagement with a libertarian state which is considered unsympathetic to the demands of the poor (but perhaps more sympathetic to some gender rights) will require different strategies to engagement with a developmental state concerned to fight poverty or with a patronage state concerned only to buy the allegiance of selected constituencies. We agree enthusiastically with the view that CSOs need to analyse government to maximise their influence. But we doubt whether that task is best accomplished by broadly categorising 'the state' in this way. To do so is likely to lead to an inadequate analysis because it will ignore unevenness and difference between spheres of government and within those spheres. Several participants in the round tables made the point that there were significant differences between local and national government (and, presumably, provinces too). Thus one participant argued that local government was particularly prone to ignore the needs of the poor because municipalities depended directly on wealthy ratepayers for their revenue. While local government attempts to prevent the poor from enjoying their rights often happens within the law, this is not always so – in other cases, overzealous application of

administrative discretion denies poor people their rights. This 'callous attitude' of local government officials is, in this view, evidence of a gap between local and national government. Indeed, even the authorities in different locations, operating in the same sphere of government, may have different characters. Another theme, mentioned elsewhere in this report, is the current fluidity within government. Both of these realities suggest a need to avoid sweeping characterisations and to remain sensitive to the differences within government, for they are certain to create strategic opportunities which will be disguised if the state is labelled rather than analysed. What is important is for CSOs to exercise periodic analytic reviews of their own understanding of trends within the state if they are to make sense of the strategic and organisational consequences for their work. This implies also that it is important to distinguish between the state and government because sometimes civil society focuses disproportionately on government. This is understandable because government is responsible for policy and for key political appointments within the state machinery. However, it is also important to understand the complex levers of state power that are diffused throughout statutory and constitutional agencies since these may present opportunities for effective influence quite independent of attempts to try to reach politicians. As one participant pointed out, it is important not to see the state as a monolithic entity, but to understand it as a complicated and often diverse structure that can be effectively used.

But understanding government is not enough. CSOs also need to know about strategic alignments within society to understand which social groups may be allies and which opponents. Who in society may rally behind a particular demand, in what circumstances and with what implications is, therefore, as important a question as who in government supports or opposes a call for change. It is this realisation which, no doubt, prompted some of the participants in the civil society discussions to insist that strategic possibilities for effective voice did exist, even as they decried the government's response to demands.[42] One concrete example may underline the point. During the discussion, a participant argued that a key goal of the current ANC leadership was indeed to reassert the movement's control over society in an attempt to ensure that it was the ANC, not independent civil society, which decided what ought to be done to meet social challenges and how it would be done. This

offered a bleak view of possible influence. But some participants insisted that this attempt was likely to fail, that it would inevitably exclude some among the elite, and that it may well entail imposing on citizens in a way which prompts resistance from them.[43] If this happened, of course, substantial opportunities for civil society influence would open up. Whether or not this analysis is accurate, it does illustrate a plausible possible context in which a civil society preoccupation only with the attempt by politicians to control rather than the likely reaction of society to this would ensure that strategic possibilities were missed.

In sum, direct engagement with government is a key determinant of civil society influence but hardly the only one. It may also be more accurate to see effective direct engagement with government as a consequence, not a cause, of influence. Civil society organisations are likely to enjoy influence over government policy either because they are close to the government or because they have mobilised enough influence in society to force the authorities to listen. Since most civil society organisations do not enjoy the former advantage, the limits and possibilities of influence in the current context will be shaped as much, if not more, by the degree to which they can build influence in the society through strategic alliances as by whether the government wants to talk to them. The social and political environment in which organisations operate is thus a far more important test of influence or its lack than the goodwill of government office holders.

It is here that the shallowness of civil society becomes a key strategic constraint. While influence does not depend only on the number of citizens on whose behalf organisations speak, it is surely trite to point out that organisations which can mobilise a substantial constituency are likely to exert more influence than those which cannot. This analysis has implied that the government claim – in this society and others – that civil society has no right to tell the authorities what to do because government is elected[44] and therefore speaks for society, ignores the reality that being elected does not automatically equip politicians to know what their electors want on particular policy issues.[45] But, if we understand civil society as a realm in which citizens acquire voice, then it should follow that those who speak for more people have a greater right to be heard. Particularly where civil society organisations purport to speak for the concerns of people at the grassroots, it seems reasonable

to assume that the claim is more likely to be taken seriously if the organisations directly represent those on whose behalf they speak.

Some participants suggested that this analysis is correct to argue that CSO roots need to deepen, but that the judgment needs to be qualified, and should also be expanded. Qualification, it was argued, is needed because all CSOs suffer from resource constraints, and this sets distinct limits on their ability to develop a much stronger grassroots base. For example, the Save Our SABC Coalition needs to spend time and money on soliciting expert legal opinion on proposed government policies and has little time for input into those policy formation processes. This obviously makes it difficult for the coalition also to seek to build a grassroots constituency for its work. In sum, it was argued, the demands which advocacy places on organisations with limited resources leave little room for the difficult task of deepening support. It was also argued that the diagnosis needed to be expanded to say how CSOs could deepen their roots. The task is hardly an easy one and so it is not enough to say that organisations should attempt it: they had to be offered feasible strategies if the recommendation is to be more than a high-sounding sentiment. These responses do point to the need to recognise that developing organised grassroots support is not a simple task: there is more than enough evidence of the constraints which face grassroots organising efforts among citizens who have been excluded from decision-making. At times, these constraints are more severe in South Africa – as one participant pointed out, there is little competition for the votes of poor people since opposition parties are generally seeking support from other constituencies: this clearly reduces the bargaining power of the poor. It was also noted that some people on the ground are rendered vulnerable not by the actions of officials but by fellow poor persons who have a little more education and a little more power than them, thus complicating organising efforts. We recognise, too, that not all CSOs will see developing a grassroots constituency as their key goal. We remain convinced, however, that CSOs will not achieve far-reaching change if they are not supported by a grassroots constituency. And, while it is not our intention here to offer a detailed blueprint for grassroots civil society organisation (an exercise which would in any event probably be of little value since success is often the result of

trial and error), we are confident that it is possible for CSOs to deepen their roots, even given the resource limitations and the difficulty of the task.

On the resource question, for example, CSOs usually rely on donor funding for their projects. They could – and in the view of this analysis should – seek to persuade donors that building a grassroots organising component into advocacy projects is an essential route to deepening democracy. They could also seek funding explicitly for grassroots organisational work. On the second point, there is a considerable body of literature drawn from a variety of contexts around the world on successful grassroots organising which could offer important pointers, while some specific proposals for strategy in the South African context have been made by research teams of which one of the authors of this report has been part. Thus, to take one example, a study by the Centre for Policy Studies of anti-poverty strategies in Southern Africa has proposed a 'linkage' strategy based on the idea that, while the poor are very often not organised into advocacy groups, significant numbers of people at the grassroots participate in 'survivalist' organisations which address immediate material needs. It argued that one way of deepening participation in policy-making would be to establish links with grassroots organisations and to support any advocacy efforts in which they may want to engage.[46] This is, of course, only one possible strategy among many. But it does illustrate that CSOs which are interested in deepening their grassroots base have a variety of options. If this report encourages an interest in a more thorough discussion of grassroots organising methods and strategies, it will have made an important contribution to deepening civil society.

Civil society influence in contemporary South Africa is hardly guaranteed – particularly for those organisations which are not allied to the ruling party. But the current climate does seem more open to influence than the pessimism of most civil society organisations suggests – provided we understand influence as a capacity built in society and we recognise that, while sympathetic government attitudes may help organisations to be heard, they are one among several strategic issues which civil society organisations need to take into account. To see them as the only one is to miss the opportunities which a democratic system offers.

7 The rules rule: the centrality of constitutional democracy

The preceding analysis has, of course, made an important assumption – that constitutional democracy in South Africa will remain in place. For without it, civil society cannot organise or seek support in society.

Our argument began by insisting that there could be no democracy without civil society. But the converse is also true – there can be no civil society without democracy. Implicit in the analysis proposed here is that civil society organisations use the rights guaranteed by democracy to acquire voice on behalf of citizens: democratic rules are therefore the essential precondition for all civil society activity. Clearly, none of the courses of action proposed for civil society organisations in this analysis – such as mobilising public opinion and actively seeking allies in society – would be possible unless the democratic rules entrenched in the constitution remain in force.

This suggests that the key issue facing civil society organisations in the current political environment is not whether government officials are sympathetic to their concerns, but whether the rules of constitutional democracy will remain in place,

protecting their right to campaign and organise. The discussions showed that there is some recognition of this among civil society activists – thus part of the discussion revolved around a proposed amendment to the constitution which would allow parliament, in effect, to override the constitution to protect the government from paying in full citizens who launch successful claims against it.[47] A key concern was that this would narrow the rights available to citizens and may, therefore, inhibit civil society activity. But it is not at all clear that civil society activists are as concerned about attacks on the right to speak and organise as they are about the specific rights for which they campaign. If civil society is to flourish in this environment, however, it is essential that its activists realise that the most important rights in the constitution for those who seek a rights-based order are not only those protecting the specific rights of particular social groups (such as women, gays and lesbians) or those seeking to entrench equity by enforcing social and economic rights, but also those protecting the right to participate fully in the national debate – if necessary, by mobilising citizens. However sympathetic some in government or the courts may seem to be to specific rights, these rights will not endure if they are not defended: 'first generation rights' which protect the right to act and speak are essential if that defence is to be possible.

While no participants denied the importance of democratic freedoms, one suggested that the argument in support of CSOs looking beyond the rights of specific groups ran the risk of failing to recognise that citizenship and the rights associated with it are always grounded in lived realities which affect different citizens differently. In other words, each citizen has a racial and gender identity which either obstructs or facilitates their enjoyment of their rights. And so while CSOs certainly do need to look beyond the narrow filters of the 'specific rights for which they campaign' (and specifically noting also that these rights intersect and are indivisible), they should not lose sight of the specific circumstances of groups whose identities make them more likely to be subject to the power of others even where their members enjoy citizenship rights. Who gets to speak and act remain crucial considerations which would be obscured if CSOs simply concentrated on the rights of an abstract universal citizen while ignoring that some citizens clearly are more equal than others. We agree that some citizens are more connected to

power than others and that this makes it far easier for them to enjoy rights – indeed, one of us has argued that the key democratic challenge is that millions of people who enjoy formal citizenship rights are unable to exercise them fully because they are victims of power relations which prevent them from doing so.[48] But, while people do not acquire the equal say in decisions to which democracy entitles them simply by virtue of enjoying formal rights, they cannot enjoy that say unless they have rights – to use a familiar phrase, democratic rights are not a sufficient condition for the full exercise of citizenship, but they are a necessary condition. Civil society organisations which fight for gender equality, for example, obviously cannot stop at demands that formal citizenship rights be respected. But they clearly also cannot be heard at all unless these rights are respected and so the fate of these rights remain of crucial concern to all CSOs. If civil society organisations recognise that reliance on contact with government will need to be supplemented by active citizenship if they are to wield influence, the preservation and strengthening of the rights which make this possible will need to be a key concern for civil society.

Three specific aspects of this task need highlighting. First, while the right to act and speak of those who are connected enough to participate in the mainstream national debate have been protected by constitutional democracy since 1994, there is substantial evidence that social movements on the ground have been subject to harassment.[49] The evidence does not suggest that national political leadership has any role in this attempt to curb grassroots activism: a far likelier explanation is that local political leaderships, who are used to a monopoly in their areas and are hostile to competition, have used their contacts with police and other local power-holders to ensure that new actors are suppressed. But, whatever the cause, this assault on the right to mobilise and organise, so central to civil society activity, has received little attention from the national debate. The only civil society organisations which have expressed concern are the social movements themselves. If civil society organisations do attempt to deepen their roots in society and to connect with the grassroots, the right to act on the ground will become crucial. The more political office holders are persuaded to insist that local leaders allow others to campaign in their areas, the greater is civil society influence likely to be. Achieving free activity in the townships and shack settlements is, therefore, a key civil society strategic goal.

Second, the current political turmoil has placed pressure on key democratic institutions such as the judiciary, the media and universities. ANC leaders, prompted by President Zuma's legal difficulties, have accused judges of being 'counter revolutionary' or of being hostile to democracy if they were seen to be unsympathetic to Zuma.[50] Immediately after the decision by national prosecutors to withdraw charges against Zuma, SA Communist Party General Secretary (now Minister of Higher Education) Blade Nzimande insisted on action to reform the judiciary. Although he said he wanted to strengthen judicial independence, South Africa has a long history of politicians claiming to extend freedoms when they plan the opposite (universities were strictly segregated by the Extension of University Education Act.), and his demand was seen by his critics as an attempt to control the courts. When Zuma used the same language in his State of the Nation address some weeks after the election, this prompted predictable anxiety.

This concern is heightened by the reality that it is possible to undermine checks on government without changing the constitution – simply by appointing to key posts people sympathetic to political power holders. A new chief justice was recently appointed and, while Judge Sandile Ngcobo is regarded as a vigilant protector of the rights guaranteed by the constitution, he was chosen in preference to Deputy Chief Justice Dikgang Moseneke, who is disliked by some because he delivered a speech promising to rein in ANC politicians who were not acting constitutionally.[51] The appointment at least creates the possibility that the government would prefer judges not to be too openly independent. And, since mandatory retirement means that Justice Ngcobo will serve only two years as chief justice, commentators have expressed fears that this is an interim measure, to be followed by the appointment of a judge sympathetic to political power holders. The recent appointment of new members of the Human Rights Commission was fiercely criticised by a prominent constitutional lawyer, who fears that they may compromise the commission's work in protecting rights.[52]

The ANC has also called for a media tribunal and ANC leaders, including Zuma, have complained about what they see as members of the public's limited ability to seek redress from newspapers who treat them unfairly. Academic freedom may be threatened by the demand of ANC-aligned youth organisations that the head of the

University of South Africa (UNISA), Barney Pityana, is removed.[53] They deny that this is a response to the fact that Pityana is a prominent member of the Congress of the People but the coincidence is too great to make this claim plausible. Nzimande has assured Pityana that his job is safe, but fears of further intervention persist.

These developments have, again, received little attention from much of civil society – perhaps because they appear to be disputes between politicians with little relevance for organisations. Similarly, there seems to be little civil society interest in making parliament and other legislatures more accountable to citizens. While many CSOs are understandably dubious about party politics' ability to serve the needs of poor people, there is little doubt that civil society would be more effective if law-making bodies were more responsive to citizens – indeed, the democratic theorist John Keane argued that parliamentary reform ought to be a prime concern of CSOs interested in greater equity because a parliament more in touch with voters would open new avenues for change.[54] But, while CSOs do lobby parliament for their particular concerns, there is little civil society interest in changes which might improve the link between law-making and citizens.

A participant did point out that some CSOs have sought to defend democratic freedoms – the work of the Freedom of Expression Institute was cited as an example. But these are relatively isolated examples. It could also be argued that civil society's role in defending its freedom should not be left to organisations dedicated to that task but should be a constant concern of all CSOs. An independent judiciary, a free media and academies which are willing to follow the argument wherever it leads, remain crucial to the democratic environment which civil society needs – without these institutions, civil society would find it very difficult to act effectively. While organisations will compromise their influence if they take sides in disputes between political parties such as the ANC and COPE, the principled protection of democratic institutions is critical to civil society's future and may, therefore, need to become a key strategic concern of all civil society, a factor which unites organisations across their other barriers as an issue of common concern because, as this analysis argued earlier, civil society is free only if all organisations are free.

The task for much of civil society is to move beyond a reliance on direct engagement with the government to a strategy which stresses more the need to

deepen roots in society. Actively defending the freedoms which make that possible is a core civil society concern – its immediate future may thus depend on how energetically and effectively it unites behind the institutions and rights which make civil society possible. If democracy is preserved, civil society's possibilities may be far greater than its organisations and activists currently think. If it is not, civil society's prospects will be bleak. As always, civil society and democracy feed off each other: neither will flourish unless the other does too.

Third, if CSOs are to take on the task of vigilantly seeking to guard democratic rights and institutions, it is of critical importance that they form more effective coalitions among themselves; participants did note obstacles to more effective civil society coalitions. One participant argued that unity within civil society is an impossibility because organisations represent a variety of values and interests: many of society's conflicts occur within civil society rather than between it and other interests. Participants also noted that there were differences in specialisation which inhibited unity. But there was also a strong view that organisations which did share a common position needed to build coalitions more vigorously and effectively than they do now if they are to influence events and that this need is often ignored by CSOs.

It was also felt by some participants that those CSOs which shared common goals did not co-operate because political or other differences prevented this, weakening their influence. A key example was the country's largest CSO, Cosatu. It was claimed that Cosatu was reluctant to form alliances with other civil society organisations – presumably, it was said, because working with organisations which might be critical of the current government would seem disloyal to the ANC. It was also claimed that debate within Cosatu had become more restrictive the closer it moved to the ANC in government and that there were now considerable pressures to emphasise ANC achievements and ignore failures. This acted as a deterrent to working with the rest of civil society because Cosatu felt it needed to concentrate on its relationship with the ANC government, not its links with others in civil society. It was thus often not interested in issues outside its workplace focus. TAC was also cited as an organisation reluctant to endorse campaigns outside its field. Some participants suggested that Cosatu's failure to participate in campaigns launched

by other organisations may have less to do with a conscious political decision than with a long-standing reluctance to take on new responsibilities which might drain its resources.

Whatever positions participants adopted on this issue, there was a widespread view that CSOs could not achieve greater influence unless those with common objectives on particular issues worked to build coalitions in support of their goals. How to do this and its implications for current NGO practice is thus an important strategic concern.

Two practical examples of steps that could engender coalitions, were illustrative. First, it is important for CSOs to gain consensus on particular policies so that civil society can approach government as a *co-ordinated* movement as was done in the water caucus within the water sector. [A participant noted parenthetically that many people – not just within the state but also within the sector – may feel threatened by these attempts at co-ordination, so co-operation needs to be approached carefully]. Second, the Save our SABC Coalition is an example of a reasonably effective coalition between CSOs. Of course, as was pointed out, perhaps one reason this campaign has been working is that it focuses on one issue. In addition, the goals were also very specific – getting a new board appointed and certain pieces of legislation approved. Still the example demonstrated the importance of establishing the right structures to allow views and organisation from across civil society to be united under one banner on specific issues.

In sum, CSOs can be an important constituent of our still-young democracy, even in the wake of post-Polokwane changes in the political landscape. The key to consolidating and improving the presence and role of CSOs in policy formation, implementation and monitoring and evaluation, lies in strategically responding to space that has opened up. This, in turn, requires a civil society that remains vigorous, but with much deeper roots in communities around the country – and with enhanced capacity to act effectively in society as well as in its dealings with politicians and officials.

Endnotes

1. Michael Tanner, *The End of Welfare: Fighting Poverty in the Civil Society* (Washington DC: Cato Institute, 1996)

2. John Keane, 'Democracy and Civil Society' in *Civil Society and the State*, ed. John Keane (London: Verso, 1988)

3. Victor Azarya, 'Civil Society and Disengagement' in *Civil Society and the State in Africa*, ed. John Harbeson (Boulder, Co.: Lynne Reinner Publishers, 1994) 92

4. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996)

5. Mark Robinson and Steven Friedman, 'Civil Society, Democratization, and Foreign Aid: Civic Engagement and Public Policy in South Africa and Uganda' *Democratization* (Volume 14, Issue 4, 2007) 643–668

6. Victor Azarya, 'Civil Society and Disengagement' in *Civil Society and the State in Africa*, ed. John Harbeson (Boulder, Co.: Lynne Reinner Publishers, 1994) 92

7. Steven Friedman and Shauna Mottiar, 'A Rewarding Engagement? The Treatment Action Campaign and the Politics of HIV/AIDS' in *Politics & Society*

(New York: School for Social Research 2005, no 33) 511–565

8. Steven Friedman and Shauna Mottiar, 'A Rewarding Engagement?' in *Politics & Society* (2005, no 33); Steven Friedman, *The Extraordinary 'Ordinary': The Campaign for Comprehensive AIDS Treatment in South Africa* (Institute for Development Studies, Sussex University, accessed September 2007) http://www.ids.ac.uk/ids/Part/proj/pnp.html; Mandisa Mbali, 'The Treatment Action Campaign and the History of Rights-Based, Patient-Driven HIV / AIDS Activism in South Africa' in Democratising Development: The Politics of Socio-Economic Rights in South Africa ed. Peris Jones and Kristian Stokke,(Martinus Nijhoff, Leiden and Boston, 2005)

9. Hermann Giliomee and Charles Simkins, eds., *The Awkward Embrace: One-Party Domination and Democracy* (Amsterdam: Harwood, 1999)

10. During the period before its banning, the ANC's annual congresses were styled as the Parliament of the African People, with an upper house of chiefs and a lower house of commoners. The clear implication was that the entire nation could be found within the ANC and that differences between Africans were debated within the ANC, not between it and other organisations. University of Witwatersrand Library: *African National Congress Records 1928-1975* (http://www.historicalpapers. wits.ac.za/inventory.php?iid=8085)

11. Steven Friedman, *Building Tomorrow Today: African Workers in Trade Unions 1970-1984* (Ravan Press, 1985)

12. Hermann Giliomee and Charles Simkins, eds., *The Awkward Embrace: One-Party Domination and Democracy* (Amsterdam: Harwood, 1999)

13. Mark Swilling and Bev Russell, *The size and scope of the non-profit sector in South Africa*. (Durban: Centre for Civil Society, University of Natal, 2002)

14. Centre for Policy Studies, *Civil Society and Poverty Reduction in Southern Africa* (Johannesburg: Centre for Policy Studies, mimeo, July 2002)

15. *Mary Tomlinson, From Rejection to Resignation: Beneficiaries' Views of the Government's Housing Subsidy Scheme* (Johannesburg: Centre for Policy Studies, 1997)

16. Caroline White et al, *The social determinants of energy use: synthesis report* (unpublished Centre for Policy Studies report submitted to the Department of

Mineral and Energy Affairs, January 2000)

17. In contrast particularly with formal sector workers who can use employer dependence on their labour to win concessions. Steven Friedman, *Equity in the Age of Informality: Labour Markets and Redistributive Politics in South Africa* (Institute of Development Studies Working Paper, University of Sussex, 2002); See also Adam Przeworski, *Capitalism and Social Democracy* (Cambridge: Cambridge University Press, 1987)

18. Xolela Mangcu and Richard Pithouse, *Business Day* 23 July, 2009

19. On claims that popular ferment is being expressed through Sanco, see Patrick Heller and Libhongo Ntlokonkulu, *A civic movement, or a movement of civics?: The South African National Civic Organisation in the post-apartheid period* (Johannesburg: Centre for Policy Studies, June 2001)

20. Postings by social movements, http://www.ukzn.ac.za/ccs

21. ibid.

22. Eusebius McKaiser 'Session One – summary of main threads' (Notes prepared for Centre for the Study of Democracy discussion, June 2009)

23. News24.com, 'Zuma sorry for 'gay' remarks' (News24: 28 September, 2006) http:// www.news24.com/Content/SouthAfrica/Archives/ZumaFiles/1063/aaee7d4b312c4508a5f0dd955a18d1f6/28-09-2006-03-34/Zuma_sorry_for_gay_remarks

24. Iol.co.za 'Shabangu grilled on 'shoot-to-kill' remarks' (Independent Online 10 April 2008) http://www.iol.co.za/index.php?set_id=1&click_id=6&art_id=nw20080410173651309C804202

25. Eusebius McKaiser 'Session Two – civil society round table discussions' (Notes prepared for Centre for the Study of Democracy discussion, July 2009)

26. Centre for the Study of Democracy 'Session Three' (Notes prepared for forthcoming Centre for the Study of Democracy discussion, August 2009)

27. 'Cosatu Chief Madisha Fired', *The Citizen* 28 February, 2008

28. Eusebius McKaiser 'Session One – summary of main threads' (Notes prepared for Centre for the Study of Democracy discussion, June 2009)

29. Friedman and Shauna Mottiar, 'A Rewarding Engagement?' in *Politics & Society* (2005, no 33)

30. Centre for the Study of Democracy 'Summary of Discussion Three' (Notes prepared for forthcoming Centre for the Study of Democracy discussion, August 2009)

31. Eusebius McKaiser 'Session Two – civil society round table discussions' (Notes prepared for Centre for the Study of Democracy discussion, July 2009)

32. ibid.

33. News24.com, 'Zuma sorry for 'gay' remarks' (News24: 28 September, 2006) http:// www.news24.com/Content/SouthAfrica/Archives/ZumaFiles/1063/aaee7d4b312c4508a5f0dd955a18d1f6/28-09-2006-03-34/Zuma_sorry_for_gay_remarks

34. Tiisetso Motsoeneng, 'Cosatu warns of public-sector strikes' *Mail and Guardian* 21 May, 2009

35. Cosatu, with the ANC Youth League, has urged that the mines be nationalised the – ANC has made it clear that this contradicts its policy. Cosatu has also complained that its concerns on the composition of an interim SA Broadcasting Corporation (SABC) Board were ignored. 'Cosatu Puts Foot Down on SABC' *The Times* 13 July, 2009

36. Throughout the conflict between the government and the Treatment Action Campaign, TAC actively sought and received the support of allies in government whose intervention or indeed, refusal to intervene to enforce government decisions – played an important role in creating space for responses which served the needs of people living with HIV and AIDS. Friedman and Shauna Mottiar, 'A Rewarding Engagement?' in *Politics & Society* (2005, no 33)

37. Eusebius McKaiser 'Session One – summary of main threads' (Notes prepared for Centre for the Study of Democracy discussion, June 2009)

38. Friedman and Shauna Mottiar, 'A Rewarding Engagement?' in *Politics & Society* (2005, no 33)

39. Neil Coleman, *Current Debates Around BIG: The Political and Socio-Economic Context Development* (Policy Research Unit: University of CapeTown, 2003)

40. Steven Friedman 'Gaining AIDS Treatment in South Africa' in *Research Summary* (Institute for Development Studies, Sussex University, 2009) http://www.

ids.ac.uk/ index.cfm?objectid=66DFB7CB-5056-8171-7B6BC43031996188

41. Friedman and Shauna Mottiar, 'A Rewarding Engagement?' in *Politics & Society* (2005, no 33)

42. Eusebius McKaiser 'Session Two – civil society round table discussions' (Notes prepared for Centre for the Study of Democracy discussion, July 2009)

43. ibid.

44. Centre for the Study of Democracy 'Session Three' (Notes prepared for forthcoming Centre for the Study of Democracy discussion, August 2009)

45. William Riker and Peter Ordeshook, 'A theory of the calculus of voting' in *American Political Science Review* (1968) 62:25–42

46. Centre for Policy Studies, *Civil Society and Poverty Reduction in Southern Africa* (Centre for Policy Studies,Johannesburg, mimeo, July 2002)

47. Centre for the Study of Democracy 'Session Three' (Notes prepared for forthcoming Centre for the Study of Democracy discussion, August 2009)

48. Steven Friedman, *Power in Action: Democracy, Collective Action and Social Justice*. Research report submitted to the Institute for Democracy in South Africa and the Ford Foundation (publication forthcoming).

49. Western Cape Anti-Eviction Campaign Press Alert: Mzonke Poni to appear in the Somerset West Court and various similar posts. See also statements by Abahlali base Mjondolo http://www.ukzn.ac.za/ccs

50. Mohau Pheko, 'If you must insult judges, Mr Mantashe, raise your standard of propaganda' (*Sunday Times*, 19 July, 2008)

51. Sapa, 'ANC does about-turn over Moseneke comments' (*Mail and Guardian Online* 17 January, 2008) http://www.mg.co.za/article/2008-01-17-anc-does-aboutturn-¬over-moseneke-comments

52. Pierre de Vos, 'Human Rights Appointments Not Up to Scratch' (*Constitutionally Speaking*, 28 September, 2009) http://constitutionallyspeaking.co.za/category/ huamn-rights-commission/

53. Sowetan, 'Pityana Must Go. He is running UNISA like a Spaza Shop-Ngobese' (*Sowetan* 18 May, 2009)

54. 54. John Keane, 'Democracy and Civil Society' in *Civil Society and the State*, ed. John Keane (London: Verso, 1988)

This booklet analyses a series of roundtable discussions between civil society activists in an attempt to understand the new political environment in which civil society organisations (CSOs) are operating as a result of the changes in the African National Congress. It argues that while the current climate does pose threats to the CSOs that promote human rights, it also offers opportunities which most CSOs are yet to acknowledge. However, it is noted that this positive potential can only be realised if CSOs place less stress on direct dealings with the government and deepen their roots among grassroots citizens.

The Centre for the Study of Democracy, affiliated with both the University of Johannesburg and Rhodes University, is dedicated to deepening the understanding of democracy and its specific forms, in South Africa and on the African continent. A key area of interest is relations between citizens and the state. Specific areas of focus are an attempt to understand opportunities for and obstacles against citizen participation in governance, the role of civil society as a vehicle for citizen voice, other ways in which citizens can be heard in African democracies, and the role of provincial and local government in the exercise of citizen voice.

The centre can be reached by email at sfriedman@uj.ac.za or by telephone at 011 559 3922.

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