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The People shall Govern

A research report on public participation in policy processes



Public Participation, Policy Processes and Violent Conflict: Responsive and Participatory Governance in South Africa

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List of abbreviations

| | |
|---------|--|
| ACCORD | African Centre for the Constructive Resolution of Disputes |
| ACTION | Action for Conflict Transformation |
| AEC | Anti-Eviction Campaign |
| ANC | African National Congress |
| APF | Anti-Privatisation Forum |
| AU | African Union |
| CAGE | Conflict and Governance Facility |
| CBO | Community-based organisation |
| COSAS | Congress of South African Students |
| COSATU | Congress of South African Trade Unions |
| CSV | Centre for the Study of Violence and Reconciliation |
| DFA | Department of Foreign Affairs |
| DPLG | Department of Provincial and Local Government |
| EU | European Union |
| IDASA | Institute for Democracy in South Africa |
| ISS | Institute for Security Studies |
| KDF | Khayelitsha Development Forum |
| LPM | Landless People's Movement |
| MDC | Movement for Democratic Change |
| MIF | Mortgage Indemnity Fund |
| NEPAD | New Partnership for Africa's Development |
| NGO | Non-governmental organisation |
| NHBRC | National Home Builders Registration Council |
| PCFA | Portfolio Committee for Foreign Affairs |
| SACC | South African Council of Churches |
| SACP | South African Communist Party |
| SADC | Southern African Development Community |
| SANCO | South African National Civics Organisation |
| SANGOCO | South African NGO Coalition |
| SASCO | South African Students' Congress |
| YCL | Young Communists League |
| ZANU-PF | Zimbabwe African National Union-Patriotic Front |
| ZAPU | Zimbabwe African People's Unity |
| ZCTU | Zimbabwean Congress of Trade Unions |
| ZSF | Zimbabwe Solidarity Forum |

Executive summary

This research paper forms part of an action-research and information dissemination project entitled Consensus-building Approaches and Policy Coordination Mechanisms: Responsive and Responsible Policy Formulation and Implementation in South Africa. It is carried out with the financial support of the European Union and the National Treasury of South Africa through the Conflict and Governance Facility (CAGE). It was managed and implemented by the Centre for the Study of Violence and Reconciliation (CSVr) and Action for Conflict Transformation (ACTION), an emerging global network with its secretariat based in Johannesburg, South Africa.

Teams of community facilitators, activists and researchers worked together to explore the nature, extent and impact of public participation in government policy processes. In addition to engaging in background research and local and international discussion forums, field research was carried out to produce case-studies from which further insights were gained. This report critically investigates some of South Africa's post-apartheid policy-making processes, in order to assess the extent to which ordinary citizens have been empowered to understand policies and articulate their opinions, needs and aspirations in relation to these policies.

The researchers have conducted a range of interviews with community stakeholders, government officials and policy analysts in order to understand the gaps in public participation in policy processes, and to probe the levels of frustration and the potential for violence induced by these gaps.

The report tries to amplify and articulate the voices of those who feel on the outside of policy-making processes. It combines an academic analysis of the concepts related to public participation and the virtues of a participatory democracy, with a record and description of real-life experiences of citizens trying to influence decision-makers.

The project investigates two vastly different contexts in an attempt to gain insights into how policy is made and implemented.

The first case-study focuses on the relationships between and amongst community members and the authorities responsible for implementing a housing project in Khayelitsha. Service delivery and the performance of local government on issues like housing, health, electricity, water and sanitation are central to the transformation of our society. This makes an understanding of the cause of violent struggles that hamper this delivery all the more important. The destruction that results when violence erupts counters the intentions and needs of all stakeholders.

The second case-study arises out of a solidarity relationship ACTION and CSVr have with civil society organisations in Zimbabwe and with partners involved in the Zimbabwe Solidarity Forum. It documents attempts by South African civil society to influence public awareness and government policy around Zimbabwe. The report gathers the comments and perceptions of those involved in these attempts. It also analyses how foreign policy is developed and seeks to identify opportunities for greater public participation in this development.

At domestic level, the link between violence and the tensions and frustrations of people who felt powerless and excluded is stark. On a national foreign policy level the perception of government as being distant and guided by unknown and misunderstood interests creates divisions which undermine the potential for partnership and the development of complementary strategies towards a common goal. The lessons learned from these case studies will feed into wider advocacy initiatives and assist in focusing and informing strategies aimed at increasing the impact organised and previously marginalised groups have on policies that affect them.

It is believed that context specific participatory governance systems and public participation mechanisms will facilitate better informed policy decisions; increase the responsiveness and accountability of government departments; improve public service delivery and human security; and reduce the need for the public to resort to violence as a means of articulating their grievances.

1 Introduction

Since South Africa's democratic elections 12 years ago, the country has experienced a broad range of transformation processes aimed at dismantling the structural systems and psychological impediments that defined apartheid. The values, principles and norms entrenched in the South African Constitution, and the various legislative and policy frameworks that support it, are the basis for this transformation. They set the broader context and the norms of engagement among South Africans and with the international community.

As a new state emerging from decades of racial division and structural domination, the first decade of democracy under a black majority government displays a myriad of successes and challenges. South Africa has set itself in a new direction but the journey is far from over. There are still issues related to the expectations of previously disadvantaged groups and the fears of the privileged minority, which make policy-making a sometimes delicate process. The impact of macro-economic policy frameworks and the pressures of international trade agreements add further complexity. South Africa's foreign and domestic policies are shaped by both these internal and external political forces.

Despite the democratic government's efforts to implement far-reaching infrastructure and service initiatives, progress continues to be slow, hampered by resource and bureaucratic constraints. This has led to growing grassroots dissatisfaction with public service delivery. Feelings of marginalisation and frustration over unfulfilled service delivery promises force communities to resort to mass action, which often becomes violent, as a means of attracting the government's attention and expressing deep-seated grievances. These events highlight the inherent limitations of a representative democracy in acknowledging public concerns and responding effectively to people's needs.

This research paper forms part of an action-research and information dissemination project entitled *Consensus-building Approaches and Policy Coordination Mechanisms: Responsive and Responsible Policy Formulation and Implementation in South Africa*. The project explores whether existing public policy formulation and implementation processes – which aim to deliver crucial services and reduce the human insecurity facing so many citizens – are actually informed by the contribution of civil society and community-based groups. Also, the project looks at the state's responses to these protests and to the mass mobilisation of communities to articulate their needs and concerns.

The research is premised on the idea that citizens and civil society groups have limited capacity to influence the government's policy decisions (at national, provincial and local level) because there are limited channels for them to participate. This, in turn, affects the ability of researchers, think-tanks and policy specialists to make informed, and potentially valuable, input into public policy-making. Most importantly, these limited channels fall short of bridging the gap between policy formulation and implementation processes, and the people they affect. As a result, communities are only rarely involved in conceptualising and effectively implementing policies that determine the nature of service delivery and their contribution to human security, especially among previously disadvantaged communities.

The project forms part of the shared conflict and transformation driven peacebuilding programmes of ACTION and CSV. It aims to promote an understanding of peace that goes beyond the absence of war to include the need to address all aspects of social and economic inequality and to build solidarity in action by linking communities and bridging the gaps between policy makers and the often excluded and marginalised people these policies impact on. It investigates the relationship between public participation, policy-making processes and violent conflict in South Africa and

proposes participatory policy processes and coordination mechanisms that ensure that poor and disadvantaged communities are included in decision-making processes that impact on their lives and well-being.

The research was managed and implemented by the Centre for the Study of Violence and Reconciliation (CSVR), a Johannesburg-based non-governmental organisation, and Action for Conflict Transformation (ACTION), an emerging global network with its secretariat based in Johannesburg. It has been carried out with the financial support of the European Union and the South African National Treasury through the Conflict and Governance Facility (CAGE). CAGE is a partnership which aims to enhance the wider participation of policy research institutions and civil society organisations in public policy processes, in order to improve governance systems and avoid potential future conflict.

1.1. Research methodology

This research is based on a conceptual understanding of the role and significance of public participation in policy formulation and implementation processes within a participatory democracy. This was substantiated through two in-depth case studies exploring the nature and levels of public participation in both the domestic and foreign policy contexts.

The first case study focuses on issues surrounding housing provision in Khayelitsha, a township on the outskirts of Cape Town. The second case study deals with the challenges facing civil society organisations hoping to influence South Africa's foreign policy towards Zimbabwe. In both case studies, the researchers have attempted to cover four major thematic areas:

- (1) The nature of the South African state;
- (2) The types and models of public participation;
- (3) The involvement of civil society in policy-making and implementation; and
- (4) The capabilities and limitations of civil society organisations in articulating public demand, based on their constituency or membership base and demonstrable public support.

Finally, the reports build on this theoretical analysis and the evidence of the two case studies in order to identify a number of participatory governance mechanisms that may help in enhancing public participation in policy-making and implementation processes in South Africa.

This joint research exercise saw teams of community facilitators, activists and researchers from CSVR and ACTION working together to explore the nature, extent and impact of public participation in government policy processes. In addition to engaging in background research and local and international discussion forums, field research was carried out to produce case-studies from which further insights were gained. Guided interviews were conducted with a wide range of people representing different interests and from different contexts.

2 Outlining a conceptual framework for public participation in policy-making

If a democracy is limited to only periodic elections in which people vote for those who govern them, or recall those who under-perform in office, it means that public participation in policy processes is limited to specific timeframes. This is exacerbated by the tendency to hand over responsibility to a dominant political party that seldom represents the interest of all of those on whose behalf it makes decisions.

These limitations discourage active and regular participation in governance processes, thereby inhibiting participatory governance mechanisms. Mechanisms that ensure meaningful participation actually, we believe, enhance the capacity of a government to deliver appropriate services and further reduce the need for people to react violently to policies they oppose. In South Africa, the many public demonstrations over poor service delivery stem from a conviction that the government can only be made to respond to grievances through mass action.

This section provides a theoretical framework for public participation, policy formulation and conflict. It provides the basis for a deeper exploration of the impact of public participation on state policies to achieve their service delivery and human security aims, and examines the limitations imposed by globalisation on the role of public participation in governance processes.

2.1. Democracy and public participation

A growing body of knowledge on democracy, service delivery and human security underscores the significance of public participation in providing long-term institutional assurance for the survival, livelihood and dignity of human beings.

The writings of the 1998 Nobel laureate, Amartya Sen, on the significance of democracy and freedom in the lives of human beings are seminal in this regard. Sen argues in favour of the "capacity of democratic systems to better deal with [failure in service delivery and human insecurity] and natural disasters."¹ Sen states that the significance of democracy to service delivery and human security emanates from its three functions or "distinct virtues".² Firstly, there is the *intrinsic value* of democracy, which is related to the political freedom of individuals, that is civil and political rights. Exercising these rights is "a crucial part of good lives of individuals as social beings".³ The mere ability and confidence people enjoy as a result of political freedom, such as the right to expression, is crucial in developing democratic societies where people are not afraid of communicating and promoting their political thoughts and positions because such acts do not result in dire consequences. Political and social participation has intrinsic value for human life and well-being. This, in other words, signifies the moral satisfaction or a sense of belonging and benefits that human beings gain as a result of taking part in social and political activities.⁴

Secondly, the *instrumental value* of democracy, which in Sen's words, "enhances the hearing that people get in expressing and supporting their claims to political attention."⁵ The responsiveness and accountability of governments to public needs, aspirations and demands play a determinant role in this regard. The instrumentality of democracy includes, but is not restricted to, the power of people to elect and recall those who govern them, and also make claims on a regular basis and demand the fulfilment of those claims by their elected officials. Failure to fulfil those claims on the part of elected officials can result in loss of political power in which citizens play a crucial role through casting their votes.

Thirdly, the *constructive importance* of democracy underlines the significance of democracy to the public space that provides a learning process between people and their governments. The provision of public space puts in place an appropriate ground for the formation of values and priorities in society by allowing and facilitating public discussion and debate.⁶ These play

1 Sen, A. (1999a). *Democracy as a Universal Value* in Journal of Democracy Vol 10 No 3, pp3-17.

2 Ibid, Ibid, p11

3 Ibid

4 Ibid

5 Ibid, p12

6 Ibid

essential roles in the process of information exchange, identification of needs, setting priorities, making choices and building consensus around decisions that affect people's lives.

To be prevented from any of these functions or "distinct virtues" of democracy is "a major deprivation to an individual [and society at large]"⁷ that affects human survival, livelihood and dignity. In other words, this can be described as human insecurity resulting from people's incapacity to influence government. The prevalence of a well functioning democracy, on the other hand, generates political incentives including elections, multi-party politics and investigative journalism that force governments to deliver.⁸ A free press and active political opposition, in this case, serve as the "best early warning systems a country threatened by [failure in service delivery and human insecurity] can have."⁹

2.2. Participatory Governance and Public Participation

It is not only the existence of public participation in governance that is important, but also the extent and meaningfulness of this participation. This necessitates a distinction between representative and participatory democracies, and an assessment of public participation in both.

A *representative democracy* that limits participation to a universal franchise and a system of voting that allows citizens to periodically hold their leaders accountable may still leave people feeling excluded from the process of policy formulation and implementation. A governance system that only allows people to take part in periodic elections is "not entirely democratic" as the system only allows the decision of the citizenry on "who should govern" without "adequately addressing the question of *how* the government should govern."¹⁰ People's ability to feel as if they are influencing government depends more on the amount of *participatory democracy* people experience. It is difficult to expect "an adequate response to citizens' needs and aspirations" through policy-making and implementation structures that are composed only of public representatives."¹¹

The limitations of a representative democracy can only be addressed by entrenching and enshrining strong participatory governance systems that complement a representative democracy and ensure the ongoing participation of people in decision-making processes. In practice, this requires the deliberate creation of public space, accessible governance mechanisms and proactive processes that enhance the roles played by members of the public and civil society groups, including community-based organisations, in contributing to government policies.

The notion of *participatory governance* attempts to address the limitations of representative democracy and challenges the conventional understanding of governance as an "exercise of authority and control in a society in relation to the management of its resources for social and economic development".¹² Such an understanding does not recognise the important role that can be played by the public in policy-making and implementation and limits decision making to politicians, policy makers and bureaucrats. It implicitly assumes that politicians, policy-makers and bureaucrats have the required information and knowledge,¹³ that they are fully aware of the needs of the public and are capable of delivering the required public services.

On the contrary, experience has shown that those in government do not necessarily have all the information and knowledge needed to provide the services demanded by the public. This results in supply-driven – as opposed to demand-driven – policy formulation and implementation that may not deliver what people need and aspire to. In extreme cases, this may lead to levels of frustration, protest and opposition to government, instead of harnessing citizens' energy for more useful decision-making.

7 Ibid.

8 Sen, A. (1999b). *Development as Freedom*. New York: Anchor Books, p.178.

9 Ibid, p.181.

10 Gildenhuis, H.; Fox, W. & Wissink, H. 1991. *Public Macro-organization*. Cape Town. Juta

11 Kaufmann, F. X. 1991. *The Public Sector-Challenges for Coordination and Learning*. New York. Walter de Gruyter.

12 Schneider, H. (1999). *Participatory Governance: The Missing Link for Poverty Reduction*, Policy Brief No 17. OECD Development Centre: Paris, p7.

13 Ibid

The notion of participatory governance refers to a "regulatory framework in which the task of running public affairs is not solely entrusted to the government and the public administration, but involves cooperation between state institutions and civil society groups."¹⁴ Participatory governance aims to involve the public in governance processes regularly and formally. It also implements mechanisms to monitor the transparency and accountability of public institutions. It aims at the "effective design of policies, fair distribution of public services, appropriate drafting of legislation and its [sustainable] implementation"¹⁵ through increased citizen involvement in governance. Public forums for dialogue, as one participatory method, provide platforms for discussions, debates and decisions that impact on public policies, while the integration of accountability mechanisms help monitor the utilisation and integration of the outcomes of public discussions and debates by public institutions.¹⁶

The rationale for participatory governance includes:

- (1) More complete and comprehensive data about public needs; and
- (2) Genuine commitment of politicians, policy makers and bureaucrats based on their accountability to the public.¹⁷

This rationale is based on the understanding that "there is no *superior authority*, which with *superior knowledge* will undertake, on its own, the necessary analysis and in one fell swoop provide the *package* required [to address poverty, service delivery and human security]"¹⁸ In other words, in the absence of meaningful public participation, the effectiveness of governance to deliver the required public services and safeguard human security is severely limited. Effective governance depends on the active involvement of those members of society who are interested and affected by a particular policy under discussion.¹⁹

It is essential for participatory governance to empower people, with information, knowledge, organisation and the material and financial resources they require to actively take part in policy-making and implementation.²⁰ Governments can play a crucial and positive role in this empowerment by "creating space (i.e. civil liberties and institutional mechanisms) rather than trying to handle [public] claims in an ad-hoc fashion in a defensive or even repressive mode."²¹

Civil society and community-based organisations can provide organisational impetus for public participation by coordinating, facilitating and representing their constituencies in governance processes. While such organisational impetus is important in aggregating and articulating public interests, the legitimacy – through their constituencies or membership – of such organisations should be monitored to ensure that they are effectively representing people at a grassroots level.

It is especially critical that participatory governance mechanisms and structures are not dominated by groups or individuals who do not speak for the wider community. Participatory structures must be truly participatory – people from all walks of life, levels of income and education must be encouraged and supported to participate. Otherwise, there is a danger that only the wealthy, the well-connected and the well-educated will be able to influence policy-making. This would not be in the interests of the majority in any country.

Participatory mechanisms should also go beyond simply the inclusion of organisations and should encourage the active participation of individuals who may not be part of established groups

14 International Institute for Labour Studies (2005). *Workshop on Participatory Governance: A New Regulatory Framework*. Geneva: ILS, p1.

15 Ibid.

16 Font, J. (2002). *Local Participation in Spain: Beyond Associative Democracy*. Barcelona: University of Autonomia de Barcelona, p.7

17 Schneider, H. (1999). *Participatory Governance: The Missing Link for Poverty Reduction*, Policy Brief No 17. OECD Development Centre: Paris pp7-8.

18 Ibid, p13.

19 Masango, R. 2002 *Public Participation: A Critical Ingredient of Good Governance* in Politeia Vol 21 No 2, pp. 52-65. available online <http://www.sabinet.co.za/journals/onlinejournals.html> 11/01/2006

20 Schneider, H. (1999). *Participatory Governance: The Missing Link for Poverty Reduction*, Policy Brief No 17. OECD Development Centre: Paris p13.

21 Ibid, p15.

or organisations.²² Such mechanisms may include *participatory strategic planning* sessions, which involve "non-organised citizens"²³ in policy discussions. These mechanisms are essential, particularly because governments sometimes believe that the involvement of organised groups is good enough to ensure public participation and is representative of a broad public interest. Governments also tend to favour those organisations that share their own ideological and political orientations, rather than those that are capable of broader social mobilisation.²⁴

Participatory governance mechanisms must be meaningful opportunities for citizens to engage their governments and influence decision-making. They are not limited to ways of collecting information on public needs and aspirations, nor as channels for information provision on government plans and accomplishments. Whereas making final policy decisions fall within the domain of elected officials based on their electoral mandate, meaningful participation of people in policy processes that affect their lives should be acknowledged, respected and valued.

Genuine public participation in governance provides "democratic legitimacy"²⁵ to policy decisions and thereby reduces the potential for general disaffection and violent conflict. On the contrary, any opportunistic government initiatives generating public participation in policy processes only for the purpose of securing democratic legitimacy undermine the essence of public participation and may lead to negative outcomes. Such initiatives involve the "risk of co-option and legitimising unpopular decisions especially when the design of participatory governance is flawed, and when the rules of selecting participants [who take part in participatory mechanisms] are inadequate and prone to manipulation."²⁶

In many countries around the world, participatory governance mechanisms – if and when they exist – continue to be manipulated by governments to legitimise unpopular policies through co-option. Participatory governance mechanisms that have no meaningful impact on policy choices and lack clear rules of engagement may be frustrating²⁶ and negatively affect the role of public participation in policy processes - and further lead to loss of public trust. Frustration and lack of trust, in extreme cases, may also contribute towards violent protests to express public opposition to policy choices made by politicians, policy makers and bureaucrats.

Nonetheless, potentially co-opting public participation does not completely undermine the potential and relevance of participatory governance. It rather underlines the need for caution in developing and applying appropriate participatory governance mechanisms which should take into account the "representivity of participants; their capacity to influence...policies, and their potential as an instrument of [people's] empowerment."²⁷ Furthermore, the public voices expressing concerns through participatory mechanisms should be given due attention and the impact of these on policy decisions should be properly monitored and communicated to the public.

2.3. Globalisation, social policies and public participation

Incapacitated and weak states find it difficult to – or may even be prohibited from – providing universal and comprehensive social policies that ensure the survival, livelihood and dignity of their citizens²⁸ through the delivery of required public services. The pressures of globalisation, the dominance and pervasiveness of the global economic system and the increasing power of trans-national corporations are extremely significant.

22 Font, J. (2002). *Local Participation in Spain: Beyond Associative Democracy*. Barcelona: University of Autonomia de Barcelona, p3.

23 Ibid, p7.

24 Ibid, p6.

25 International Institute for Labour Studies (2005). *Workshop on Participatory Governance: A New Regulatory Framework*. Geneva: IILS, p2.

26 Font, J. (2002). *Local Participation in Spain: Beyond Associative Democracy*. Barcelona: University of Autonomia de Barcelona, p8.

27 Ibid, p4.

28 Deacon, B. (2000). *Globalization: A Threat to Equitable Social Provision*, IDS Bulletin Vol. 31 No 4, pp 32-41. Institute for Development. Studies University of Sussex, United Kingdom, p34.

The major impacts outlined by Deacon²⁹ include:

- (1) The loss of state revenue, mainly as a result of privatisation, or the reduction and cancellation of trade tariffs and labour taxes, which make states incapable of investing in social policies;
- (2) The decline of public services as a result of the privatisation of basic infrastructure and services such as electric power, water supply and telecommunication in the name of efficiency, which often subject the poor to unbearable market prices;
- (3) The shrinking of state institutions, which result in job losses and reliance on meagre safety net programmes;
- (4) The detachment of the state from the economic sphere, which obstructs its role in reducing social inequalities through any meaningful re-distribution policies; and
- (5) The reduction of budget deficits achieved by downsizing the public service and reducing government expenditure, thus resulting in budget cuts for health, education, food subsidies and other social services.

The impact of the Bretton Woods institutions varies from state to state. Middle-income countries such as South Africa are more capable of resisting the pressures, compared to low-income or highly-indebted states that mostly rely on international loans and financial aid to cover even the running costs of their public institutions and pay civil servants. Nonetheless, the decline of state capacity to deliver the required level of public services – both in middle- and low-income countries – subsequently impacts on the nature and extent of public influence that demand states function in accordance with the needs and aspirations of its citizens.

In this context the reduced capacity of states in a globalised world may force national governments to accept policy decisions that favour global economic trends, as opposed to societal demands expressed through participatory governance mechanisms. Under such circumstances, the responsibility of formulating and implementing policies that impact positively on public service delivery and human security cannot be left solely within the realm of the state.

Public participation should serve as an internal force that lessens the subjugation of state policies by external neo-liberal economic influences and enhances the capacity of the state to implement people-centred and demand-driven policies.

Figure 1: Demonstrates the inter-relationship of public participation and the capacity to impact positively on human security needs in the policy formulation and implementation processes. It also points to the negative impact of the reduced capacity of states and the ensuing tensions and violence and emphasises the potential to increase positive human security impact through cooperative partnerships and meaningful public participation.

²⁹ Ibid, pp32-39.

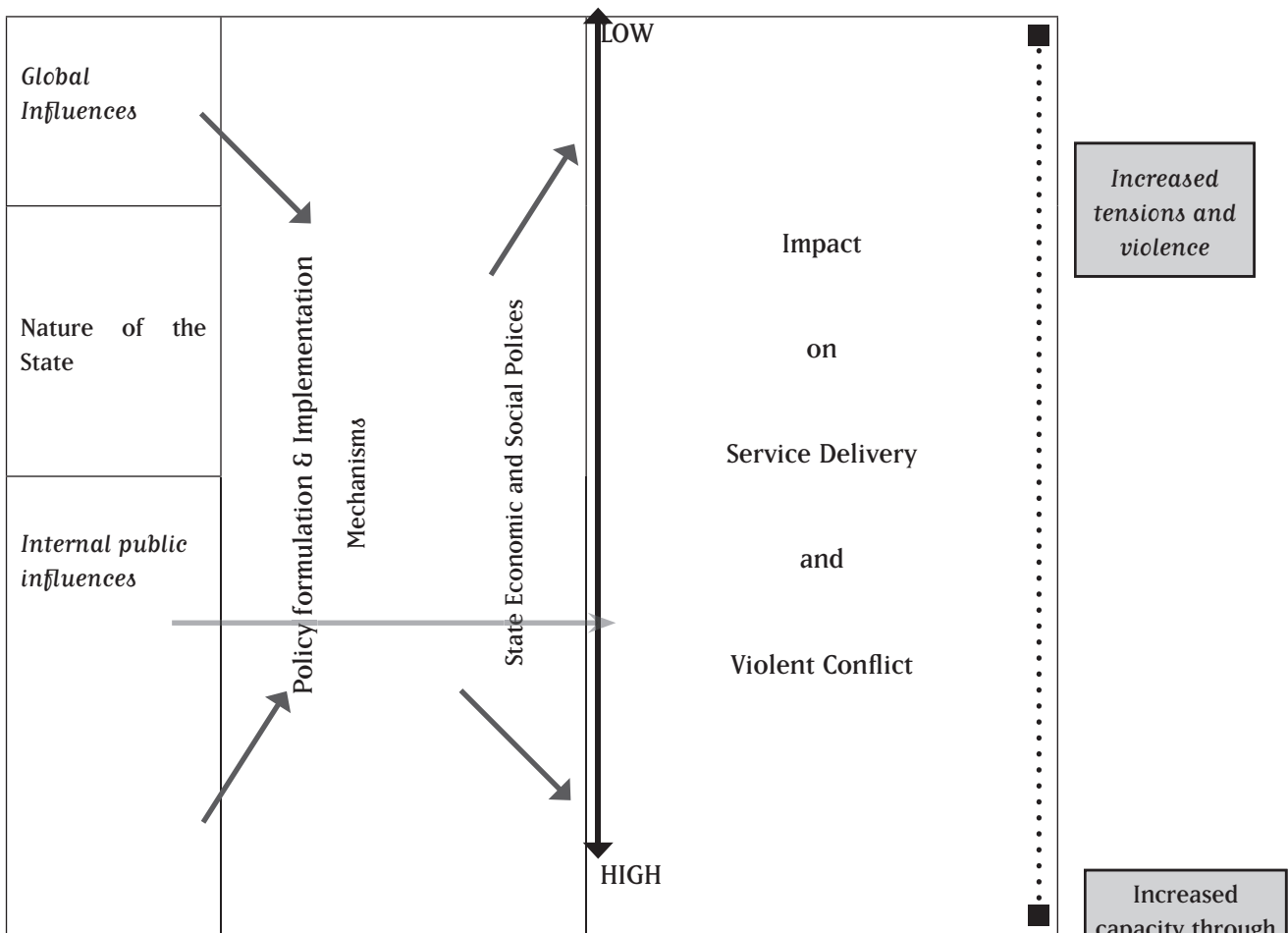


Figure 1: Internal Public Influence, Globalisation, Service Delivery and Violent Conflict. ³⁰

The reduced capacity of the state to impact positively on service delivery and the human security needs of its people and the absence of participatory governance mechanisms for public participation both contribute to a rise in levels of tension and the potential for violence, as people may resort to violence as a means of expressing their concerns and to demand the fulfilment of their basic needs. This can be counteracted through regular and meaningful public participation in governance processes, which aim to build cooperative partnerships that recognise public participation as an aspect of human security that can immediately be met, while simultaneously using the combined capacity of the state and civil society partnership to meet people’s basic needs through enhanced service delivery and to protect them from violence.

The adoption of innovative and alternative channels of policy dialogue and establishing participatory mechanisms for the articulation and aggregation of public opinion, and the inclusion of public contributions are essential in the formulation and implementation of responsive and responsible policies. Such policies will more effectively deliver the required public service, will reduce the human insecurity faced by poor and disadvantaged communities, and will reduce the need for people to resort to violence in order to make their voices heard.

³⁰ Tadesse, E. & Smith, R. (2005). *Human Security Policies and Public Participation: Positive Forces for Change or Fuel for Further Violence* presented to Seminar on Human Security, Poverty and Conflict in SADC , Southern African Regional Poverty Network: St Louis, Mauritius, p10.

3 A case study of housing provision in Khayelitsha: service delivery, public participation and a grassroots uprising

3.1. An overview of policy conditions influencing Khayelitsha

In apartheid South Africa, the oppressed majority had no way of participating in the policy decisions that impacted so harshly on their lives. Legislation was used to control black people's movements and actions, thereby effectively removing them from decision-making. Unable even to exercise their franchise democratically, the largest population groups were excluded from even the most basic forms of representative democracy.

It was in reaction to this exclusion that mass-based organisations and the anti-apartheid struggle emerged. Marginalised from formal policy-making channels and without democratically elected representation, people organised themselves in protest and strongly (and sometimes violently) articulated their self-proclaimed "people's power". In the 1980s, as the apartheid state became more repressive, these opposing movements resolved to make the country ungovernable through countrywide protests and boycotts.

The advent of democracy in 1994 brought heightened expectations that citizens would have the means and opportunities to participate in the policy processes that affected their lives. It was believed that the newly-established democratic government would democratise public institutions and policy processes in South Africa, and enshrine a culture of people's participation in public affairs.³¹ It was a critical task of the new dispensation to restructure key public institutions in order to facilitate public participation in policy processes.³²

The new government promptly produced an important White Paper on Transforming Public Service Delivery (sub-titled *Batho Pele* – "People First"). It prescribes eight principles to guide government's approach to public service delivery, encourage participation and promote responsive governance.³³

The *Batho Pele* principles are as follows:

- (1) Government departments should consult the public about the level and quality of public services they receive and their preferences.
- (2) Government departments should inform citizens about the level and quality of public services they will receive so that they are aware of what to expect.
- (3) All citizens should have access to the services to which they are entitled.
- (4) Citizens should be treated with courtesy and consideration.
- (5) Citizens should be given full and accurate information about the services they are entitled to.
- (6) Citizens should be told how national and provincial departments are run, how much they cost, and who is in charge.
- (7) If the promised standards of service are not met, citizens should be offered an apology, a full explanation and a speedy and effective remedy; and when complaints are made, citizens should receive a sympathetic and positive response.
- (8) Public services should be provided economically and efficiently in order to give citizens the best possible value for their money.³⁴

The White Paper also provided detailed ways and mechanisms for practising these principles and noted that the resources, innovation, energy and initiative of individuals and communities within the state and private spheres must be harnessed in order to meet these challenges.³⁵

³¹ Masango, R. 2002 *Public Participation: A Critical Ingredient of Good Governance* in *Politeia* Vol 21 No 2, pp. 52-65. available online <http://www.sabinet.co.za/journals/onlinejournals.html> 11/01/2006, p 54

³² African National Congress, quoted in *Ibid*, p55.

³³ Department of Public Service and Administration (1997). *Batho Pele* – "People First": *White Paper on Transforming Public Service Delivery*, p 7.

³⁴ *Ibid*, pp7-8.

³⁵ *Ibid*, p10.

The White Paper on Local Government, in addition, required local government officials and councillors to encourage public participation in the "design and delivery of municipal programmes"³⁶ and demanded that municipalities should take into account the following principles when deciding on service delivery options:

- the accessibility, affordability and sustainability of services;
- accountability for services; and
- the quality of products and services.³⁷

The White Paper and the extent of its application in the context of Khayelitsha, Cape Town provides a useful framework to review the successes and challenges associated with public participation in public service delivery, in this case with an emphasis on housing delivery.

3.2. The problem of housing in Khayelitsha

Public housing in the Western Cape Province is a multi-faceted issue: the province shares many similar experiences with other provinces but also has a distinct character of its own.

The Western Cape's migration patterns and unprecedented population growth, particularly in Cape Town, have had an enormous impact on housing. An estimated 48,000 people per annum migrate to the province³⁸. The majority of these people come from the Eastern Cape, escaping rural poverty and seeking employment opportunities in the Western Cape, mainly Cape Town. These migrants mostly inhabit unoccupied areas and live in self-built, crowded shacks. The unacceptable living conditions created by the expansion of shacks³⁹ and the need to provide decent houses continues to exert huge resource strains on the province, which has a huge housing backlog and an ever-increasing demand for housing in Cape Town. Many people have been on housing waiting lists since the 1980s.

Khayelitsha tells a vivid story of the challenges faced by the poor and previously disadvantaged communities in South Africa who continue to suffer the burdens of the country's economic divide.

Khayelitsha is one of the predominantly black townships on the outskirts of Cape Town. Approximately 330,000 people (about 11.37 percent of Cape Town's population) reportedly inhabited the township in 2004.⁴⁰ Unemployment affects more than half of the economically active inhabitants of the township, while the income of 90 percent of the households in the township is less than R3,500 per month.⁴¹ Violence and high levels of crime characterise the township.

In Site B, people's self-built shacks are overcrowded, filthy and share an inadequate number of communal toilets. Life is especially miserable when the rains fall. The shacks leak a lot and, in the absence of proper drainage systems, floods are common. The potholes of the small, unplanned dirt streets fill with rainwater and create an unhealthy environment. When a fire starts, it spreads easily from one shack to another and the narrow dirt roads between the shacks hamper efforts to control the spread of fires.

Winter is horrendously cold for the shack dwellers, while the warmth of summer worsens the smell, making living close to the toilets unbearable. Residents of Site B use the few available communal toilets to empty their sanitation buckets, a practice referred to as the "bucket system". Maintaining clean communal toilets is not an easy task.

The overcrowding creates a fertile environment for communicable diseases, while also making privacy impossible.⁴²

³⁶ With: Masango, R. 2002 *Public Participation: A Critical Ingredient of Good Governance* in *Politeia* Vol 21 No 2, pp. 52-65. available online <http://www.sabinet.co.za/journals/onlinejournals.html> 11/01/2006, p55

³⁷ *Ibid*, p58.

³⁸ Interview with Brian Denton.

³⁹ Interview with Siyabulela Mqikela.

⁴⁰ Department of Provincial and Local Government (2004). *Khayelitsha Profile*.

⁴¹ *Ibid*.

⁴² Interview with Mariam Nomainda.

In Site C, residents face more or less the same problems. Most people started arriving in the area from the Eastern Cape around 1985 and put up self-built shacks. On average, two families live in a space the government considered enough for only one family. Government housing delivery plans in the area proceeded very slowly due to shortage of land to build houses in accordance with approved technical specifications. The shortage of land was further compounded as migration and settlement of people in the area continued.⁴³ Newcomers put up unplanned and self-built shacks wherever vacant land was found. All the same conditions of overcrowding and lack of services experienced in Site B are also present here.

In order to improve conditions, the local municipality relocated some families to nearby Mandela Park, which had been established within Khayelitsha in the 1980s by the commercial banks who had bought the land. This was one of the few areas in the country where black South Africans were able to buy houses through commercial mortgages during apartheid rule.

The banks provided loans of R 25,000 per family and private companies constructed the houses. The loans were provided with the expectation that the new homeowners would pay back the loans and interests through monthly instalments.

Nonetheless, a few months after the residents of Mandela Park moved into their new homes, the condition of the houses started to deteriorate. The foundations of the houses were faulty, the walls cracked, the windows and the doors stopped functioning properly and the roofs leaked rainwater. The residents were unhappy about the quality of the houses. They felt cheated and approached the lenders and the construction companies with their complaints. The construction companies and the banks reportedly stated that they had handed over the houses after thorough inspection and the signing of contractual documents by the residents.⁴⁴

The residents' complaints were not heeded, and the contractors and banks refused to get involved in the maintenance of the houses. The residents of Mandela Park were left with badly constructed houses for which they were expected to continue paying.⁴⁵ Some of the residents subsequently fixed and expanded the houses using their own resources.⁴⁶

In neighbouring Mitchell's Plain – a historically "coloured" area – communities faced similar problems that left them feeling helpless.⁴⁷ Communities in both Mandela Park and Mitchell's Plain felt cheated and thought that the monthly instalments they were paying to the banks were unfair, given the defects in their houses. Unhappy about the quality of the houses and as part of the anti-apartheid struggle, they joined the nation-wide rent boycott in the late 1980s.⁴⁸

As South Africa democratised in the 1990s, the rent boycotts were officially discontinued and the banks requested the repayment of the loans, along with the accumulated interests. Although the residents of Mandela Park hoped that the bank loans would be scrapped under a black majority government, the government allowed the banks to pursue their demands for repayment.

This was in line with the new government's commitment to creating a stable investment environment and constitutional guarantees protecting private property. Government was determined to secure the confidence of the business community and so embarked on consultations with representative bodies of the private housing sector.⁴⁹

These agreements include a "Record of Understanding" signed in October 1994 and the "New Deal" signed in May 1998, which set out to reassure the private sector of the government's commitment to avoiding "abnormal political risks", such as rent boycotts, dishonouring contractual housing loan agreements and refusing to pay back loans. These practices had discouraged private sector investment and created a reluctance to provide loans for low-income housing. Buy-in from the private sector, coupled with the state's responsibility to protect investment through the due

43 Interview with Esther Bithe.

44 Interview with Thami Thoba.

45 Interview with Nadima Peterson.

46 Interview with Rina Ooko.

47 Interview with Nadima Peterson.

48 Interview with Siyabulela Mqikela.

49 Department of Housing (2000). Housing Code, p.5.

process of law and financial risk-sharing were crucial steps in the government's plan to deliver houses to the poor.⁵⁰

The agreements led to the creation of a number of initiatives between the government and the private sector, including the Masakhane Campaign, the Mortgage Indemnity Fund (MIF), Servcon Housing Solutions, Tubelisha Homes, and the National Home Builders Registration Council (NHBRC).⁵¹

A common thread in the responses of those interviewed about housing in Khayelitsha was a lack of awareness of the existence, purposes and application of these agreements, and the intentions of the initiatives that followed, among community members and community-based groups.

3.3. Khayelitsha influenced by world events

In the mid-1990s, while the residents of Mandela Park were faced with pressures from their lenders to repay bank loans, events around the world were unfolding that would impact significantly on national policy priorities.

It was not only the politics of South Africa that had changed with the demise of the apartheid regime and the formation of a democratic black majority government. The collapse of the Soviet Union and the emergence of a dominant new world economic order created the global conditions within which national policy was developed.

The collapse of the Soviet Union and the emergence of a dominant new world economic order created the political conditions within which national policy was developed. International financial institutions such as the World Bank and the International Monetary Fund started to dictate the adoption of free market economic systems across the globe and the abolition of tariff barriers that regulate international trade. Although South Africa, as a middle-income country, was less subjected to the financial restrictions and economic dictates of these institutions, the government decided to revise tariff laws and loosen its industrial protectionist policies with the hope of gaining international confidence and an increased flow of investments into the country.

These strategies had enormous repercussions for South Africa's local manufacturing sector, particularly the textile industry. Unable to compete with cheap imports that flooded South Africa's market, predominantly from China, the local textile industry reduced their workforce. Many South Africans, including many residents of Mandela Park in Khayelitsha lost their jobs. With no regular income, payment of their housing loans, along with the accumulating interest, became virtually impossible.

3.4. Expressing citizens' frustrations with government and the banks

One community leader in Mandela Park reported that the last letter he received from the bank stated he owed R180,000 including interest.⁵² Since he had already repaid nearly R11,000 of the original R25,000 loan, this was incomprehensible. When he bought the house in 1989, he was employed but at the time of the interview, he was jobless and struggling to make ends meet. As he saw it, the only viable option for him and others in Mandela Park was to refuse payment and to request the bank to re-evaluate the costs of the houses.

The residents hoped that by re-evaluating the houses, the banks might decide to reduce the loans. They chose not to pay their monthly instalments as a strategy to force the lenders to come and speak to the community. The lenders and their intermediary, Servcon Housing Solutions, allegedly refused calls to visit the community and declined the request to re-evaluate the value of the houses.⁵³

⁵⁰ Ibid.

⁵¹ Ibid, pp5-13.

⁵² Interview with Thami Thoba.

⁵³ Ibid.

3.5. Citizens frustrations with government and the private sector

Servcon Housing Solutions is a joint venture company established in 1995 as part of the "Record of Understanding" signed between the government and the private sector. It was set up to provide assistance to households who discontinued payment of their housing loans "in a way that is mutually satisfactory to the households and [their lenders]".⁵⁴ It was intended to normalise housing problems related to repossessed houses and non-payment of loans through the rehabilitation of loans and payments using mechanisms like instalment sales, rescheduling and rightsizing.⁵⁵ Instalment sales allow families that can afford to, to buy back their houses through a subsidies instalment programme. Rescheduling helps families whose houses are not yet repossessed but who need the revision of payment schedules.

The rightsizing programme, on the other hand, focuses on families that are incapable of paying the loans and who are willing to be moved into "alternative, affordable, long-term" houses in collaboration with Thubelisha Homes, a Section 21 company set-up for the purpose of complementing the Servcon initiatives.⁵⁶ With the re-location of the residents who did not pay their loans, the lenders planned to re-gain their investments by auctioning the houses.

In addition, it was stated that whilst Servcon and Thubelisha Homes arranged alternative accommodation, families in this category could stay in their present houses with the payment of "affordable rentals".⁵⁷

In the case of Mandela Park, Servcon failed to gain the trust and confidence of community members as a problem solver. Instead, according to those interviewed, Servcon's refusal to meet and consult with community members amounted to disrespect. The residents could not see the difference between Servcon and the commercial banks who had continued to demand loan repayments.

Most of the residents in Mandela Park refused these demands and decided to stay in the houses without making payments. They continued to request Servcon and the lenders to visit the area, to re-evaluate the houses and consult with the residents.⁵⁸ Some residents decided to move to the "rightsized" houses though they reportedly regretted their decisions when they found out that these houses were "much smaller and badly built, even when compared with the houses in Mandela Park".⁵⁹

The residents' ongoing refusal to repay loans that they believed were unjust, together with the government's focus on supporting business stability brought things to a head, and there was a "gradual reintroduction of the eviction process".⁶⁰ The banks, in collaboration with the police, started to evict residents who refused to pay their monthly instalments, rent the houses or move into the rightsized houses.

In reaction to the evictions, local citizens undertook mass protests and riots as a way of expressing their opposition and in order to employ their own communal force in an effort to return evicted people to their houses.⁶¹ In all the three communities of Khayelitsha, people had high expectations that the government would help them move out of poverty and were engulfed by a deep sense of frustration when their expectations were not met.

In the meantime, other communities around the country were experiencing similar disillusionment with government's service delivery and this led to the formation of a national Anti-Eviction Campaign (AEC) to champion the cause of those poor and marginalised communities who still felt excluded from the promises of a democratic South Africa.

⁵⁴ Ibid.

⁵⁵ Housing Code, Part 1, Chapter 3, pp. 12-13 available online <http://www.housing.gov.za/Content/The%20Housing%20Code/Index.htm> 11/01/2006.

⁵⁶ Ibid, pp12-14.

⁵⁷ Ibid, p12.

⁵⁸ Interview with Thami Thoba.

⁵⁹ Interview with Jackson Tom, 13 September 2005

⁶⁰ Department of Housing (2000). Housing Code, pp. 12-13.

⁶¹ Interview with Mariam Nomainda.

As disaffection with the slow and uneven pace of transformation and infrastructure development grew, citizens took to the streets using the tried-and-tested methods of protest which had provoked the apartheid government. Some of these protests became violent, characterised by rioting and the destruction of property, an expression of the deep frustrations of people who believed they were not being heard. The government responded with a heavy hand, using the police to break up gatherings with tactics that were also reminiscent of the repressive former state.

In Mandela Park, twelve people (including community leaders) were arrested for public violence in 2002, apparently at random. There had been clashes with police and the sheriffs, after meetings with the banks and provincial housing officials failed and the banks had begun pursuing interdicts against the AEC.

In Mandela Park, the national government eventually intervened and promised that to cover a significant part of the outstanding loans using the housing subsidy system. The decision may indicate government's commitment to financial risk-sharing with the private sector contained in the "New Deal" agreement. While initially sceptical of the government's offer to help, the leaders of the AEC and most residents of Mandela Park later accepted the government's decision to provide support.

The housing situation in Mandela Park looked like it might be resolved at the time of this research.⁶² Nevertheless, the government's active involvement and offer to settle the situation happened only after the residents of Mandela Park resorted to violent protests and riots that damaged public and private properties.

3.6. The promises and challenges of housing delivery

People living in communities like Khayelitsha continue to suffer from a lack of adequate housing. Amidst high levels of unemployment and poverty, far from being able to afford to buy or build houses, people cannot even sustain themselves and their families. The burden of family responsibilities on women, and particularly on single mothers, is unbearably high.⁶³

It was in response to conditions like these that the government decided to provide housing subsidies to low-income families. The subsidies, offered in collaboration with the private sector, are intended to support those who cannot afford houses at market value. They are aimed at "providing services to the poor at below [market] cost, and to thereby provide opportunities for low-income households to own houses and improve their living conditions."⁶⁴

Although there is clarity over roles and responsibilities at the level of government, one of the main obstacles to effective housing delivery – at least in the case of Khayelitsha and Mitchell's Plain – is a low level of awareness and information by community members. Community members and their community-based organisations interviewed in Khayelitsha and Mitchell's Plain had only scant information about the housing subsidy system and lacked knowledge about:

- How the subsidies are provided and accessed;
- Which areas are covered and prioritised by the subsidies;
- Which areas qualify or do not qualify for the subsidies;
- The criteria used for the allocation; and
- How the government functions in relation to these subsidies

There was a very limited understanding of how communities could potentially influence the government's decision-making processes and contribute to better service delivery in their areas.

People interviewed complained that there were no mechanisms in their localities that provided

62 Interview with Mbongeni Ngombane.

63 Interview with Hilda Gatyeni.

64 Department of Provincial and Local Government (1998). *White Paper on Local Government Transformation*. DPLG: Pretoria.

relevant and up-to-date information on a regular basis.⁶⁵ The absence of clarity, proper information and awareness means that even well-intended government policies become sources of frustration. The government's failure, particularly at a local level, to properly inform the public about housing policy, contributed to dissatisfaction.

In the absence of clear information, rumours and speculation over government intentions are rife. In a racially-charged context such as that of the Western Cape, where racial divisions are closely related to economic position, accusations of favouritism and inequity are rampant. This contributes to a climate in which people feel marginalised and unable to use normal channels to communicate their grievances. Frequent changes in political party leadership at provincial level also appear to contribute to policy uncertainty.

Some Mandela Park residents complained that councillors were unhelpful and contributed towards the confrontation with the banks. As one community leader said, "We are ANC members...and we were supposed to be uplifted by [the] ANC for our fight against the Boers [whites]...our councillors betrayed us by conspiring with the private banks owned by the Boers [whites]."⁶⁶

There is also a perception that some provincial government officials allege that shack-dwellers purposely stay in dangerous areas, in the hope that they would be prioritised for housing in the event of a disaster, such as a flood or fire. There are apparently rumours that communities deliberately set shacks on fire in order to obtain government's emergency assistance in the form of money, food and blankets – and priority housing.⁶⁷

The provision of housing subsidies in the Western Cape is also characterised by challenges associated with the roles and responsibilities of the various spheres of government, their effectiveness in working together and their capacity to deliver on time and to required standards. The provincial housing department finances, facilitates and approves projects and budgets, while municipalities are responsible for the implementation. An official of the provincial housing department commented that this arrangement leaves the provincial government highly dependent on the capacity of municipalities to deliver housing.⁶⁸ If municipalities do not deliver, the provincial department faces failure in housing delivery.

The provision of relevant and up-to-date information in a format and language that can be easily accessed by community members may help to address the challenges associated with all aspects of service delivery. This includes the need to review and reinvigorate the Masakhane Campaign that was set-up to encourage the public to "pay rates, services, mortgages or rental payments"⁶⁹ by educating people about their rights and obligations.

Local government performance: accessibility, responsiveness and accountability

Successful housing delivery depends on the extent to which the national and provincial government strengthen the capacity of local government, both to deliver the public services and to ensure meaningful public participation in the policy design and implementation processes.

Local government constitutes the third tier of government – the tier most directly responsible for the development and improvement of the socio-economic conditions of poor and previously disadvantaged communities in South Africa. It is mainly "concerned with local citizens and communities and in finding sustainable ways to meet their needs and improve the quality of their lives...in a manner that enhances community participation, democratic development and accountability in local government."⁷⁰ It is tasked with the development of social capital at the community level and the empowerment of marginalised and excluded groups.⁷¹ It has the

⁶⁵ Interview with Thami Thoba.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Interview with Brian Denton.

⁶⁹ Department of Housing (2000). *Housing Code*, pp12-13.

⁷⁰ Department of Provincial and Local Government (1998). White Paper on Local Government Transformation. DPLG: Pretoria.

⁷¹ Ibid.

responsibility of providing household infrastructure and services, including water, sanitation, local roads, storm water drainage, refuse collection and electricity, which are all essential components of the delivery of housing.⁷² It is also responsible for the proper implementation of national and provincial government housing policies, plans and programmes in accordance with the mandates and tasks assigned by provincial government.⁷³

In order to facilitate the involvement of citizens in local government initiatives, larger municipalities, such as the Metropolitan Council of Cape Town, established sub-councils and ward committees. Cape Town has 100 ward committees that report to 20 sub-councils. Ward committees are area-based committees composed of community representatives, under the leadership of an elected ward councillor who represents the municipal council. The ward committees are a structured way of communicating between the municipal council and the ward community, and facilitate the delivery of public services. They may be consulted by the municipal council on issues that affect the ward prior to decision-making by the municipal council. Properly functioning ward committees provide community members with a "local point of access to the municipal government" and promote diverse interests and community voices.⁷⁴

However, ward councillors may be out of touch with the needs of their communities. A resident in Site C, Khayelitsha was angered by a decision by a local government official who left her neighbourhood immediately after he was elected as a ward councillor.⁷⁵ She felt that the councillor abused people's trust and electoral mandate by moving out of overcrowded informal area into one that had access to running water and flush toilets. They tend to remember the community only when "they are looking for votes from the community," she commented.⁷⁶

Community members of both Khayelitsha and Mitchell's Plain repeatedly mentioned incompetence, inaccessibility and corruption at local government level as the major factors that affected service delivery in their areas. There is a widespread perception that local government officials and ward councillors are not doing their jobs properly. The councillors are blamed for their inability to identify and appropriately respond to public needs and concerns. A number of people stated that feelings of dissatisfaction and frustration about the performance of government emanates from the inability of local government officials to listen and respond to public demands, which left the poor and disadvantaged communities with no other recourse than violent protests and riots.⁷⁷

The slow process of housing delivery was another major source of discontent which led to accusations of local government incompetence. Although the government has put in place different types of housing subsidies, speedy allocation was hindered by a number of constraints that included the absence of a clear subsidy waiting list for Cape Town.⁷⁸ The waiting lists from the 1980s were reportedly not regularly updated which created difficulties in prioritising and allocating subsidies. Many families registered since the 1980s had moved away, or already acquired houses elsewhere, or passed away. Community development workers in Mitchell's Plain stated that they were aware of individuals who had received housing subsidies more than once by manipulating and capitalising on the deficiencies of the existing system.⁷⁹

Housing subsidies are awarded according to established criteria. For instance, beneficiaries in Mandela Park were selected by identifying households that did not receive government housing subsidies and by distributing available subsidies through a lottery system.⁸⁰ This practice was considered fair, considering the limited resources for housing subsidies and the lack of a clear waiting list. Nonetheless the absence of transparency within the process, and the lack of public participation left it open to accusations of corruption and unfairness.

72 Ibid.

73 Department of Housing (2000). *Housing Code*, p8.

74 Department of Housing (2000). *Housing Code*, p8.

75 Interview with Mariam Nomanda.

76 Ibid.

77 Interview with Mariam Nomanda, 13 September 2005

78 Interview with Mbongeni Nogombane, 16 September 2005

79 Interview with Nadima Peterson.

80 Interview with Mbongeni Ngombane.

Local government officials tend to look at communities as mere recipients of government services without the potential and information to improve local decision-making processes. As a result, community members are not aware of how housing delivery decisions are made and what role they can play in the process. The same applies to community development workers employed by the government to facilitate interaction between the government and communities.⁸¹

Government officials make repeated reference to *imbizos* (listening campaigns or public consultations) as effective mechanisms through which the public can make claims and provide feedback on government's performance.⁸² During an *imbizo*, community members and residents come together and discuss their service delivery needs and challenges. There is an expectation that officials will act on the outcomes of these sessions and later feed back on what has been accomplished.

While government officials underscore the importance of *imbizos* as effective ways of listening and responding to public concerns, community members' reactions both in Khayelitsha and the Mitchell's Plain were not as appreciative. Those interviewed asserted that the accessibility and responsiveness of government officials fell far short of their expectations. A community development worker in Mitchell's Plain stated that the mayor of Cape Town had promised that the concerns raised by the people during *imbizos* would be addressed but "we are still waiting until now for the fulfilment of these promises".⁸³

Some community members said that they had never heard of the mayor's listening campaign and demanded better publicity for such events. There was a perception that these events only took place following a crisis in a community and were not part of a broader ongoing engagement process. Government officials are "not coming to the people and see our living conditions except when there is a crisis and people cause havoc. If they come and see how sick our kids are and how many people are suffering from TB, they may decide to help. I, myself, had a TB [sic] three years ago."⁸⁴

These discontents raise questions about the effectiveness of *imbizos* in addressing public concerns. *Imbizos* tend to raise public expectations and can easily lead to increased dissatisfaction if they are only used to promote political agendas without addressing real concerns and ensuring proper follow-up on public needs and concerns.

Unfulfilled public promises were a major source of dissatisfaction among those interviewed. A community leader in Mandela Park mentioned the unresponsiveness of a ward councillor to community requests to level a nearby field as a playground for children.⁸⁵ The community claimed that two children had died after falling into sewerage in the field. They had expected the councillor to make use of part of R300,000 allocated by the government for ward-level community development initiatives to fix the sewerage and level the field. They alleged that their expectations from the ward council were not fulfilled.

The government claims that decision-making processes related to housing involve various stakeholders, including municipalities and civil society groups.⁸⁶ It is assumed that the concerns of communities are reflected through their councillors and community representatives. On the contrary, community members considered the councillors as obstacles – not facilitators – to people's interaction with municipal and provincial government. Officials are perceived as being out of the communities' reach and community members are not given the support by their councillors that facilitates interaction with municipal and provincial government officials.

People want the municipal and provincial government officials to pay regular visits to their areas, listen to their concerns and act accordingly. They believe that the government abandoned them when they needed its support most. One interviewee complained that the government hires

81 Interview with Nadima Peterson.

82 Interview with Brian Denton.

83 Interview with Mitchell's Plain Community Development Workers.

84 Interview with Mariam Nomainda.

85 Interview with Thami Thoba.

86 Interview with Brian Denton.

incompetent, unpatriotic but politically active local government officials and councillors who capitalise on people's poverty.⁸⁷ Most community members said that they had never seen their ward councillors.⁸⁸ They knew them by name only and from the placards during electioneering, but never had the opportunity to meet the councillors and express their problems.

Where efforts have been made by municipal and provincial government officials to consult with the public, the outcomes have not always been useful. In Mandela Park, for instance, a provincial government official who came to consult the community was held hostage until he agreed to sign a community petition to make a fixed payment of R10 per month for water. "It is the people who govern the country and we are saying that we are paying R10," remarked an interviewee.⁸⁹

The leaders of the Anti-Eviction Campaign humiliated the official by giving him a bucket when he requested a place to relieve himself. The media extensively covered the story. Government officials who are sympathetic and interested in public participation in policy processes may hesitate to appear at public consultations in order to avoid similar embarrassment.

Councillors, for their part, complained that they are sandwiched between the municipality and the people without sufficient financial and material resources to address citizens' needs. They are on the receiving end of public frustration and anger. They felt that their intermediary role between communities and the municipal and provincial governments failed because of weaknesses at the municipal level, and argued that municipal and provincial governments, not councillors, should be blamed for failure in service delivery. "If people want to protest they must focus on the mayor, not on ward councillors," said a local government official when interviewed.⁹⁰

Within this complex web of failed responsibilities and high expectations, there is a clear need for appropriate institutional mechanisms that provide the information, financial and material resources that enable communities to participate meaningfully in policy-making and implementation. Although policy-making bodies invite people and organisations to express their opinions through written submissions and participation in limited public discussions that review draft policies, ordinary people usually lack the information, the time, and the financial and material resources to be involved in such processes.

Poor people tend to survive on the daily income they secure using their labour and engagement in informal markets. Staying away from work to participate in public discussions and share their views costs them badly needed daily income.⁹¹ They lead a hand-to-mouth life and cannot afford what is currently considered as the luxury of participating in governance processes. The absence of appropriate mechanisms and information resources and incentives that enable impoverished and marginalised communities to participate in policy processes creates the conditions in which frustration and unresolved tensions almost inevitably lead to violence.

3.7. Public protests and riots: criminal or political activities?

A community development worker in Mitchell's Plain argued that, if officials had been responsive to complaints, if they had not ignored community concerns "on their desks forever", and if they had interacted with community members in a respectful manner, the riots would not have happened.⁹²

The perception amongst community members is that efforts to interact with government departments to address their demands have been unsuccessful in many instances.⁹³ This has created public doubt about the ability of government officials and constituency offices to address their problems.

87 Interview with Vuki Vooxsonanzi.

88 Interview with Jackson Tom.

89 Interview with Thami Toba.

90 Interview with Ntombekaya Skondo.

91 Interview with Mitchell's Plain Community Development Workers.

92 Ibid.

93 Ibid.

The decline of public trust in government departments, constituency offices, ward councillors and the courts as guardians of their interests and rights has led to the emergence of alternative ways of dealing with problems. In Mandela Park, community members approached the leaders of the Anti-Eviction Campaign for advice and support whenever they faced problems related to housing and the threat of eviction.⁹⁴

In Khayelitsha, protesters were convinced that the only way to attract the attention of the government and express their grievances was through public protests and riots that caused damage to public and private properties, burning of tyres, ⁹⁵blocking traffic and emptying their sanitation buckets onto the streets.⁹⁶ In Mandela Park, when the banks decided to evict people with the help of the police force, the Anti-Eviction Campaign was convinced that the community had no choice other than to use force to block the evictors. The leaders of the campaign played a crucial role in mobilising public protests and riots. When an old man was evicted from his home and put in a rightsized house, the activists went to his new home, collected his belongings and took him back to his old house. They chased away a security guard assigned by the banks to look after the man's house. Later on, a person who bought his house at auction was threatened and chased away by the campaigners.⁹⁷

The government spoke out strongly against riots and violent protests. It strongly opposed people's use of violence as a means of expressing their grievances. It argued that there are institutional mechanisms and avenues for the public to express their grievances, and that community members should approach the government through those channels. Violent protests and riots were referred to as criminal activities run by hooligans.

The government stance on violent protests as criminal and illegal has forced leaders of the Anti-Eviction Campaign to assume a covert operational style in the way they mobilise communities. Interviews with those involved in the Mandela Park Anti-Eviction Campaign demonstrated their reluctance to identify the leaders of the campaign. They expressed a fear that, if the government became aware of the leaders of the campaign and their whereabouts, they might become the targets of a government clampdown.

This clash between what the leadership of the Anti-Eviction Campaign consider to be the legitimate political voice of the poor and previously disadvantaged communities for better service delivery, and what government considers as illegal and criminal has severely affected any efforts to resolve differences through dialogue.

A community leader in Mandela Park said that although the government has the right to uphold the law, "some of us find it necessary to break the law to make a point."⁹⁸ The government should understand that "it is not hooligans who are doing this, these are residents, and they are sick 'n-tired of government promises and the pressure from the banks to pay house loans. We want the government to deliver on its promises and intervene to resolve the situation between us and the banks."⁹⁹ Others stated that the violent protests were reactions to the evictions of the people by the police, which was interpreted as a betrayal of the people by the black majority government that collaborated with the "boers" whom the people fought against during the anti-apartheid struggle.¹⁰⁰

The reactions of the government to violent protests and the government's understanding of those protests as criminal need to be interrogated. The resultant clampdown on these protests could be seen as limiting people's civil liberties for claim making and exerting influence on the state to respond to their demands, which is an important aspect of democracy. While clearly the destructive nature of violence needs to be avoided the roots of the violence, which lie in legitimate grievances, cannot be so easily dismissed.

94 Interview with Thami Toba.

95 Ibid.

96 Interview with Mariam Nomainda.

97 Interview with Thami Toba.

98 Ibid.

99 Ibid.

100 Interview with Mitchell's Plain Community Development Workers.

Nonetheless, local government officials in Mandela Park continue to undermine the role of the Anti-Eviction Campaign. The purpose of the campaign is described as a criminal initiative aimed at destabilising government projects and some officials argued that it should be dealt with by the police force and the conviction of the leaders of the campaign in a court of law.¹⁰¹ They complained that the leaders of the Anti-Eviction Campaign regarded the campaign as a source of income and were not interested in ending it, even when the housing situation in Mandela Park was being resolved.

Unsubstantiated suspicions and unanswered questions with regard to the "disruptive" intentions of foreign aid organisations that provided financial and material support to the campaign are also cited as reasons for ignoring their demands. "Why [sic] foreign NGOs and white people are interested in supporting the Anti-Eviction Campaign?" asked one ward councillor. While he stated that he had no evidence to substantiate the accusations, he confirmed the existence of suspicions about external forces that were interested in "destabilising South Africa through the criminal activities of the Anti-Eviction Campaign."¹⁰²

Further arguments have been made that the remnants of apartheid South Africa want to undermine the performance and accomplishment of the black majority government of South Africa by exaggerating and capitalising on the shortcomings of the government in public service delivery. This would strengthen a position that argues that the government is unable and unwilling to improve the living conditions of the poor. Others argued that leftist groups, who are unhappy and opposed to the government's centrist policies, want to emphasise the limitations of such policies in ensuring economic growth and reducing poverty. Further research will be required to fully understand and verify the validity of either of these arguments.

An Anti-Eviction Campaign leader was reluctant to elaborate on the campaign's relationship with foreign aid organisations and the financial sources of the campaign except acknowledging support from sympathetic "European" NGOs.¹⁰³ The money provided by these organisations was used to transport people from different areas of the Western Cape for public meetings and protests, and to bail out AEC members who were arrested in relation to the public protests and riots. Support was also provided in the form of international travel that enabled members to travel abroad to share experiences with social movements elsewhere in the world.

The same community leader indicated that there was an ongoing interest on the part of the foreign aid organisations in supporting the and its transformation into a nation-wide community-based organisation. Despite this interest, most anti-eviction leaders (at least in Mandela Park) were convinced that the essential reasons for the setting-up of the campaign were being addressed.¹⁰⁴ The government's decision to pay most of the loans and to provide residents of Mandela Park with title deeds that prove their ownership of the houses indicated that the campaign had been fruitful and should come to an end. This was strengthened by renewed interest among the leaders of the campaign in Mandela Park in strengthening the activities of SANCO in the area.¹⁰⁵ This position is particularly important within the context of the ongoing struggles between the Anti-Eviction Campaign and SANCO that characterised Mandela Park.

3.8. The battle of civil society — SANCO and the Anti-Eviction Campaign

The South African National Civic Organisation (SANCO) has local civics, or representative structures, in most communities across the country. It was established during the anti-apartheid struggle and has a long history of representing the interests of marginalised communities. Since the ANC took power, the relationship between state-aligned civil society groups like SANCO and more openly critical organisations has often been antagonistic. In Khayelitsha, members of SANCO and the Anti-Eviction Campaign found themselves on opposite ends of the table, both making claims against each other, and for or against the actions of the ANC Government.

¹⁰¹ Interview with Mbongeni Ngombane.

¹⁰² Ibid.

¹⁰³ Interview with Thami Toba.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

Ward councillors and some members of SANCO in Khayelitsha contended that the ANC government had done its best to deliver public services effectively and efficiently, and to improve the social and economic conditions of poor and previously disadvantaged communities in Khayelitsha township but "people are not just grateful of the accomplishments of the ANC."¹⁰⁶ They claimed that the government had performed well; especially taking into account the huge backlog of housing inherited from the apartheid state and the short period of time the ANC had been in power.¹⁰⁷ A representative of the Khayelitsha Development Forum (KDF) shared SANCO's and the ward councillors' position on the performance of the government when she said, "Our government is working very hard. Within ten years, it has built many houses, which were not there."¹⁰⁸

Representatives of SANCO, at least in Khayelitsha, seem to have a very close relationship with local government and serve as a link between the government and the community. They provide information to community members about government plans and actions, and make follow-ups on the same. They pass onto government the stated needs and concerns of community members, and demand positive responses in terms of better service delivery and human security. However, SANCO's closeness to the ANC government and its purported failure to strongly challenge the latter when it comes to its shortcomings in public service delivery constitute the major difference and bone of contention between SANCO and the Anti-Eviction Campaign, which adopted an aggressive and confrontational style in dealing with the government and the private companies that had stakes in the housing project in Khayelitsha.

Opposition to SANCO's "lenient" approach to housing delivery and the evictions in Mandela Park were cited as the rationale for the formation of the Anti-Eviction Campaign.¹⁰⁹ AEC leaders argued that when Mandela Park residents were against paying bank loans with the accumulated interest and resisted the pressure from the banks to pay rents, to re-locate to rightsized houses or faced eviction, SANCO encouraged the people to comply with the demands of the banks.¹¹⁰ They accused SANCO of conspiring with the government and the private companies by accepting the latter's position on housing.¹¹¹ They alleged that SANCO was involved in portraying the AEC as an illegal and criminal initiative out of the perception that SANCO's community-base and support would be undermined by the formation of a new grassroots social movement that questioned the effectiveness and efficiency of SANCO in representing the interests of community members.¹¹² Interviewees from Mandela Park and Khayelitsha complained that SANCO confused and betrayed them by advising them to move into the rightsized houses ignoring their concerns and without properly analysing their problems.¹¹³

The decline of the community's confidence in SANCO as their representatives, and the perception that it had a slow and lenient approach in dealing with the housing problem closed off another avenue through which the issue could have been resolved without violence. A resident of Mandela Park who was returned into his house with the help of the AEC said, "I praise the anti-eviction people because they helped many people including me to return back to our houses. SANCO, on the other hand, was involved in our eviction. They come to us only when the ANC wants our vote."¹¹⁴

The tensions between SANCO and the AEC in Mandela Park demonstrated the capabilities and limitations of civil society organisations and social movements in South Africa to work together. Ideally, civil society organisations should pursue their missions in an atmosphere of mutual respect and cooperation that improves each others' capacity to effectively and efficiently engage with the communities they claim to represent and the state structures they would like to influence.

¹⁰⁶ Interview with Goodman Ngombane.

¹⁰⁷ Ibid.

¹⁰⁸ Interview with Ntombekaya Skondo.

¹⁰⁹ Interview with Thami Toba.

¹¹⁰ Interview with Jackson Tom.

¹¹¹ Interview with Thami Toba.

¹¹² Ibid.

¹¹³ Interview with Jackson Tom.

¹¹⁴ Interview with Thami Toba.

Most of the anti-eviction leaders in Mandela Park were also former members of SANCO. Over the years, while SANCO suffered a decline in community support in Mandela Park, the Anti-Eviction Campaign managed to mobilise people around its cause. It defined and directed the content and style of the communities' relationship with the private sector and government and, through its militant position and forceful tactics, ultimately enabled evicted people to return to their former houses. Nevertheless, these tactics caused confrontation with the private institutions, the government and the police, and with SANCO.

Attempts to bring SANCO and the AEC together to address their differences failed a number of times and both groups decided to continue their activities independently. They mobilised and hosted public meetings and community mobilisation activities separately, which confused community members and affected collective action at the community level.

SANCO repeatedly expressed its opposition to the Anti-Eviction Campaign's call for community meetings and mobilisation for collective action because it was made without SANCO's prior knowledge and approval.¹¹⁵ It argued that since SANCO was the only community organisation whose leadership was elected through a regular community assembly, the Anti-Eviction Campaign had no right to contradict SANCO's electoral mandate by calling community meeting without informing SANCO.¹¹⁶

This internal civil society tension emerges because of the nature of the relationship between civil society structures and government. When community grievances centre on government policy local civil society structures that work together with government are forced to defend actions that go against the interests of their members. The contradictory messages that people hear from their leadership divides communities and adds to the confusion.

At the time of the interviews, the tension between the Anti-Eviction Campaign and SANCO, including the local ANC chapter, the ward councillors and others close to the ANC, centred on South Africa's March 2006 local government elections. Members of the Anti-Eviction Campaign were determined to mobilise community members to recall the current councillors who did not live up to their promises and to replace them with new public representatives who could serve the community better in the coming five years.¹¹⁷ In itself, this is a positive sign that some of the mechanisms for involvement in influencing policy and its implementation still have credibility.

Mandela Park is only one example of the hundreds of communities within which similar tensions will play themselves out. The insights and lessons into the roots and effects of the violence here can be used to better inform responses to similar situations in the future. The conclusion of this research will explore some suggestions aimed at creating opportunities for public participation that may assist in alleviating community-based tensions before they became violent.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Interview with Thami Toba.

4

A case study of civil society organisations attempting to influence South African policy towards Zimbabwe

4.1. Introduction

The foreign policy adopted by a state is often seen as falling exclusively within the domain of the state itself. However, civil society often finds itself at odds with a particular policy, or with interests of its own that require attempts to influence this policy. This section of the research explores efforts by the Zimbabwe Solidarity Forum to understand and impact on South Africa's foreign policy towards Zimbabwe. It also analyses the official and unofficial foreign policy-making process and outlines recommendations that could enhance the effectiveness of civil society in engaging with and impacting on this policy.

While taking a broad look at the role of civil society in South African foreign policy on Zimbabwe, the case study places a specific emphasis on the activities of the Zimbabwe Solidarity Forum (ZSF), a network of progressive South African civil society organisations, including youth, women, labour, faith-based, human rights and student formations that are engaged in the promotion of solidarity for sustainable peace, democracy and human rights in Zimbabwe.

The purposes of the forum are:

- To share perceptions and insights into the dynamics of the Zimbabwean context;
- To engage in initiatives aimed at influencing the situation in Zimbabwe and seek areas of synergy;
- To expose civil society to the latest information from key opinion leaders around the crisis in Zimbabwe; and
- To serve as a platform for fostering regional and national solidarity.

The ZSF started to operate loosely in November 2004 and, while the steering committee consults frequently, the forum itself meets about once a month in Gauteng Province and sporadically in other parts of the country. Over the past year, the ZSF has grown in size and influence, and has contributed to a greater understanding of the crisis and challenges in Zimbabwe both within the member organisations and more broadly in South Africa. The Anglican Bishop of Natal, The Right Reverend Ruben Phillip, currently chairs the ZSF and CSVR has been hosting the forum on behalf of member civil society organisations. One of its strategies is to engage the membership of ANC-aligned mass-based organisations as part of its efforts to influence the ANC-led South African government.

Broad-based forums made up of a wide range of organisations are never easy to run because of the tensions that arise as a result of the differing strategies, values and ideological bases of its members. These tensions play themselves out particularly with regards to the strategies of the forum in relation to government.

Within the ZSF, opinions range from an extremely critical analysis of government foreign policy on Zimbabwe and a push for total disengagement with government and a condemnation of their public position on Zimbabwe, to a recognition of the delicacy of the relationship between the South African and Zimbabwean governments and support for strategic engagement with key government figures in an effort to influence policy within the constraints of this relationship. A complementary relationship between civil society and government that sees civil society as being

free to act more decisively and in so doing create the space and the impetus for government to be more critical forms part of this continuum.

This tension is an example of how complex the role of civil society in relation to influencing foreign policy can become. The forum attempts to contain the tension and agree on common strategies, in an effort to speak with a common voice. Without it, government would find it difficult to know which civil society voices to be influenced by, even if there was sufficient public participation in the foreign policy-making process. This need for civil society to organise itself and avoid contradicting or undermining its own various positions is key to creating effective conditions for constructive participation in foreign policy processes.

The reality that different civil society formations have vastly different structures and approaches is evident in the ZSF. For example, several participating organisations are membership-based, including the affiliates of the Congress of South African Trade Unions (COSATU), the Young Communists League (YCL) and the South Africa Students congress (SASCO). These all have national organisational structures and are accountable to their card-carrying members. Internal structures and established decision-making processes ensure an internal accountability between the organisations and their members. SANGOCO, the national coordinating body of NGOs, also works within the confines of the broad mandate it receives from its members.

Other forum members, such as NGOs participating in their own right, are less constrained by the need to obtain a mandate before adopting a position, but are then also open to accusations of representing only their own narrow interests, and often cannot easily demonstrate that they have public support for their positions. At the same time, it is often these NGOs that have the infrastructure and resources to enable them to speak out on foreign policy in a high profile way. But a critical position is easily dismissed as not being representative of any demonstrable support base.

One of the key purposes of the forum is to combine the strengths of these different forms of organising and carry out a programme on Zimbabwe that is supported by sufficient resources and infrastructure, that is vocal, high profile and influential, but that is also representative of sufficient public opinion to allow it to assert positions legitimately. Part of this legitimacy comes also from the contact and partnership with Zimbabwean organisations active within Zimbabwe. This allows the forum to be guided by the voices and direction coming from Zimbabwean civil society itself.

Public participation in foreign policy processes is thus necessarily a more complex issue than involvement in domestic policy processes. Civil society faces a number of challenges that entail a depth of self-organisation before it can hope to influence government in a way that makes its intentions clear and that offers government a credible partner with whom to engage. But even where this self-organisation has occurred, and the intentions of civil society are clear, what mechanisms are in place to enable public participation in this sphere of government policy making and to what extent has civil society been able to influence policy?

4.2. South African foreign policy choices

The principles that guide South African foreign policy arguably evolved from the long history of the ANC and the anti-apartheid liberation movement. The ANC Freedom Charter states that, "South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation – not war."¹¹⁸ This ideal, according to the Department of Foreign Affairs, finds its expression in a foreign policy that "promotes multilateralism in order to secure a rule-based international system",¹¹⁹ including the government's commitment to strengthening the function of multilateral regional organisations such as the African Union (AU) and the Southern African Development Community (SADC).

¹¹⁸ African National Congress (1955). *Freedom Charter*.

¹¹⁹ Department of Foreign Affairs. (2005). *Strategic Plan: 2005–2008*

Within the AU, many African leaders have been criticised for evading the Zimbabwe issue. The actions of several governments have been likened to the repressive nature of the ruling party in Zimbabwe and this, combined with a long tradition of respecting the sovereignty of the internal affairs of another country, is often assumed to have informed a reluctance to take a decisive stand on Zimbabwe. The delicacies of the politics within the AU and its subsequent failure to speak out critically against Mugabe have been interpreted by some as complicity.

South Africa is often referred to as a "middle-power" – a status shared with countries such as Canada and Sweden in the North, and Brazil and India in the South – and its foreign policy can be understood through this perspective. Usually, multilateralism and networking constitute the fundamental strategies of middle-power countries that are used in order to promote common foreign policy issues, which they believe can not advance on their own.¹²⁰ Seen from this perspective, South Africa is attempting to move from a past that was defined by "hard power," to a future that embraces "soft power," where it helps to build common norms and values in Africa (and the world at large). It does not want to be seen as a giant imposing itself, but rather aims to encourage collective leadership and action.¹²¹

South Africa's commitment to an "African Renaissance" is another important aspect of its foreign policy. This entails a set of ideals that aim to create a peaceful, economically strong and politically free continent by harnessing the positive influence of African cultures and traditions. It also seeks to illuminate the impact that years of oppression have had on the psyche of Africans and emphasises the need for Africans to take the lead in solving their own problems. This helps to explain the leading role that South Africa has taken in developing both the AU and the New Partnership for Africa's Development (NEPAD).

Broad ideals and principles such as these provide guidance for foreign policy formulation. The dynamic and politically sensitive nature of foreign policy in most cases does not allow for the development of country-specific policies through a once-off, written document. It is rather the cumulative result of discussions amongst key government officials; often impelled by the views of strong personalities. (This is especially true with presidents such as Thabo Mbeki, who has a strong intellectual background in international relations.)¹²² The results of the discussion and stances taken in the process are usually made known to the public through a "series of indicative official statements given from time to time"¹²³ and reflect the foreign policy of a state on a particular issue.

The consequence of this is that foreign policy is not definitively created as such, but is fashioned through an evolutionary process. The influence of civil society on policy choices depends on the extent to which it manages to get its voices and concerns heard and taken into consideration within this process.

In procedural terms, the source of foreign policy in South Africa is the constitution itself, which makes the President the head of all ministries, including the Department of Foreign Affairs (DFA) and gives the President the power to appoint foreign dignitaries.¹²⁴ In theory, the Parliamentary Portfolio Committee on Foreign Affairs should play a general oversight role over foreign policy. However the committee has not been active in the role and foreign policy formulation is almost exclusively located within the Office of the State President (the Presidency). This fact links to a general trend in South Africa over the last years that has seen the expansion and strengthening of the Presidency (where the number of staff has increased from 27 in 1994 to 337 today, and a budget that has increased by 21.6 percent since 1999).¹²⁵

The most important branch of the Presidency for policy formulation (including foreign policy)

120 Cilliers, J. (1999). *An Emerging South African Foreign Policy Identity*, Occasional Paper No 39. Institute for Security Studies.

121 Interview with David Monyae

122 Interview with Joan Brickhill.

123 Interview with Steven Friedman.

124 Interview with David Monyae.

125 Interview with Kwezi Mngqibisa and Hughes, T. (2004). *Composers, conductors and players: Harmony and discord in South African foreign policy making*. Johannesburg: Konrad Adenauer Foundation, p47.

is the Policy Coordination and Advisory Service which researches and prepares briefs for the President.¹²⁶ While the Presidency plays a dominant role in foreign policy formulation, the DFA is a key implementer of foreign policy and makes input into policy formulation and provides issue-specific expertise and knowledge whenever it is required.¹²⁷

The increasing role of the Presidency in foreign policy formulation appears to have a major impact on the DFA. The ANC, in its capacity as the ruling party, also plays a key role in policy formulation,¹²⁸ particularly through the National Executive Council's sub-committee on International Relations. The sub-committee coordinates ANC's foreign policy interests and has representation from the Presidency, the DFA, Parliament, the tripartite alliance and other stakeholders.¹²⁹

The foreign policy choices of South Africa in relation to Zimbabwe factored in a range of issues that involve past and current historical, political, economic, regional and international dynamics. Over the course of their engagement for decades, the relationships between the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and the ANC were never smooth. In the days of the anti-apartheid and anti-colonial struggles, the ANC actually had closer ties with the Zimbabwe African People's Unity (ZAPU) than it did with President Mugabe's ZANU (which was reportedly closer to the Pan Africanist Congress). In the post-apartheid period, the South African government was publicly critical of Zimbabwe's intervention in the war in the Congo, and the two countries went into a fierce, backdoor diplomatic battle over Zimbabwe's control of the SADC security organ.¹³⁰

The South African government, however, has also come to Zimbabwe's aid on several occasions. In February 2000, South Africa approved an R800 million loan to Zimbabwe to purchase petrol and electricity, and later approved a 25 percent reduction in electricity tariffs, despite huge debts owed by the Zimbabwe Electricity Authority to the South African electricity parastatal Eskom.¹³¹

On issues related to the Zimbabwe land reform, the Mbeki administration has been active in trying to get western governments to financially back land re-distribution in Zimbabwe. During the farm takeovers of 2000 and 2001, SADC leaders, including Mbeki, while expressing reservations about the treatment of white farmers, stopped short of an unambiguous condemnation of the Zimbabwean government.

The South African government's calculated approach to Zimbabwe has been highly criticised. It has been accused of adopting a pro-ZANU-PF attitude, publicly arguing that President Mugabe should not be isolated. During the March 2002 presidential election, a fifty-member South African government delegation of election monitors endorsed the election, with official missions from Nigeria and the AU in agreement. The Commonwealth team, however, led by former Nigerian head of state General Abdulsalami Abubaker recorded high levels of politically-motivated violence. Although some members of the South African monitoring team expressed alarm over attacks they had witnessed on the opposition Movement for Democratic Change (MDC), the South African government dismissed these, noting that many people died in the run-up to the first South African democratic elections but that these had been internationally accepted.¹³²

This does not mean that South Africa has been completely uncritical of President Mugabe. In March 2001, the MDC met with President Mbeki and members of his staff told journalists that the "softly, softly" approach was under review. In June of that year Mbeki complained to Tim Sebastian on BBC's *Hard Talk* that Mugabe "didn't listen to me".¹³³ However, these events have been generally interpreted as indicating a sympathetic and accommodating policy towards the

126 Ibid, p17.

127 Ibid.

128 Interview with David Monyae

129 Interview with Kwezi Mngqibisa and Hughes, T. (2004). *Composers, conductors and players: Harmony and discord in South African foreign policy making*. Johannesburg: Konrad Adenauer Foundation, p29.

130 Gumede, W.M. (2005). *Thabo Mbeki and the Battle for the Soul of ANC*. Cape Town: Zebra Press, p182.

131 Lodge, T. (2005), *Quiet diplomacy in Zimbabwe: A Case Study of South Africa in Africa*.

132 Ibid.

133 Ibid.

Zimbabwean government. The South African media has labelled this policy "quiet diplomacy" and others have referred to it as "constructive engagement" (ironically, the label given to US President Ronald Reagan's policy towards the apartheid government under State President PW Botha).

Nonetheless, there has been an apparent shift in South African foreign policy towards Zimbabwe in the last few years. In April 2002, talks between the MDC and ZANU-PF broke down, and in the run-up to the March 2005 elections President Mbeki seemed to focus on encouraging them to begin negotiations again, meeting with leaders from both parties. In June of 2004, President Mbeki met an MDC delegation led by the party's Vice-President, Gibson Sibanda. In September 2004, he met President Mugabe in New York and in October met an MDC delegation led by Morgan Tsvangirai, the President of the MDC.¹³⁴

After the March 2005 elections, several events occurred which re-focused attention on Zimbabwe and sparked a renewed involvement from civil society. On 18 May 2005, the Zimbabwean government launched "Operation *Murambatsvina*" (a Shona term that, loosely translated, means "restore order" or "clean up the rubbish"). With no prior warning, a huge number of homes were destroyed by the government. The United Nations issued a scathing report and concluded that some 700,000 people in cities across the country lost their homes or sources of livelihood, or both.¹³⁵

Soon after this event, the International Monetary Fund (IMF) threatened to expel Zimbabwe if it did not pay off a US\$300 million loan. President Mugabe initially approached the South African government for help. There was a massive outcry from civil society and the media, responding to both the humanitarian cost of Operation *Murambatsvina* and to the prospect that South Africa might unconditionally loan money to Zimbabwe. Although most of the discussion around the loan request was held behind closed doors, the government apparently refused to cover the loan unless the Zimbabwean government undertook some political reform.

It is, therefore, evident that the South African government places a premium on engagement with regard to Zimbabwe. As Thami Ngwenya, from the Centre for Public Participation, puts it, "[South African policy] has been to not isolate Zimbabwe, to not take the Commonwealth or the US line, but rather a stance that says let us engage with Zimbabwe."¹³⁶

In its 2005-2008 *Strategic Plan*, the DFA regarding Zimbabwe writes, "It is important to promote the national reconciliation process and to encourage continuous dialogue between political parties and other role-players in that county, not only through the SADC and AU, but also bilaterally."¹³⁷ This makes sense in the context of South Africa's overall focus on multilateralism and negotiation, and explains the current emphasis on encouraging dialogue between the MDC and ZANU-PF.

However, it is important to discuss another key factor that guides South Africa's policy: the personal ideologies of key government leaders. Given the central role that he plays in policy formulation, it is instructive to look at the following passage written by President Mbeki in the online newsletter *ANC Today*:

¹³⁴ Department of Foreign Affairs (2006) *News and events section*, available on-line, <http://www.dfa.gov.za/docs/2004pq/pq114.htm>

¹³⁵ International Crisis Group (2005). *Zimbabwe's Operation Murambatsvina: The Tipping Point? in Africa Report #97*, pp1-2.

¹³⁶ Interview with Thami Ngwenya.

¹³⁷ Department of Foreign Affairs. (2005). *Strategic Plan: 2005–2008*, p25.

The current Zimbabwe crisis started in 1965, when the then British Labour Government refused to suppress the rebellion against the British Crown led by Ian Smith... (and when) the large sums of money promised by both the British and US governments (during the Lancaster House talks) to enable the new government to buy land for African settlement never materialised.¹³⁸ In 1998 we intervened to help mediate the growing tension between Zimbabwe and the UK on the land question (which led to an international conference). At that conference, the international community, including the UK, the UN, the EU and others agreed to help finance the programme of land redistribution that had been an essential part of the negotiated settlement of 1979... nothing came of these commitments... With everything having failed to restore the land to its original owners in a peaceful manner, a forcible process of land redistribution perhaps became inevitable.¹³⁹

These statements indicate the essential linkage South Africa perceives between the current situation in Zimbabwe, its colonial legacy and the responsibilities of the international community to respond to this legacy.

The policy towards Zimbabwe can thus be seen through a range of factors, aptly summed up by Greg Mills in the following paragraph:

South Africa's policy of "constructive engagement" – described somewhat pejoratively as "quiet diplomacy" – reflects thus a combination of its own political traditions and stress on compromise and negotiation, the history of race and colonialism in the region and the resonance of these factors including around land distribution domestically, and a belief that alternatives including criticism of Mugabe will only marginalize the role to be played by external powers.¹⁴⁰

4.3. The impact of civil society action on Zimbabwe

South African civil society, including the ZSF, has carried out a range of activities aimed at raising awareness within South Africa about the situation in Zimbabwe, expressing solidarity with Zimbabweans, and attempting to influence South African policy. This section provides an overview of some of those activities, focusing on those carried out in 2005. The activities include awareness raising meetings and press conferences, where specific positions have been agreed upon and made public; direct interactions with government officials; and, support to solidarity actions undertaken by its member organisations.

The ZSF conducted a series of meetings to discuss the role of South African civil society organisations in the March 2005 Zimbabwe Parliamentary elections. At its January 2005 meeting, the ZSF resolved to send a fact-finding mission to Zimbabwe through a delegation led by the churches in accordance with the SADC principles and guidelines on elections. The Third Zimbabwe Solidarity Conference followed this meeting from 24 to 25 February 2005.

The conference explored the possibilities and strategies of election observation and reached consensus, at least among civil society, on what constitutes a legitimate election and the minimum criteria that should be adopted by South African observers. Speakers at the conference included Morgan Tsvangirai, President of the MDC and Zwelinzima Vavi, the Secretary General of COSATU. Among other things, the delegates resolved that ordinary South Africans should be mobilised around the Zimbabwe cause, and there should be grassroots solidarity with Zimbabwe.

¹³⁸ This reference to the Lancaster House agreement is an important one (although it does not contain any binding statement of support, UK and US assurances during the negotiations were essential in helping secure agreement). For the purposes of this case study, it underlines the historical sense of betrayal that may be felt by people and goes some way to explain the sympathy many people feel towards President Mugabe.

¹³⁹ Mbeki, T. (12-18 December 2003). *We will resist the upside-down view of Africa* in *ANC Today*, Vol. 3, No. 49.

¹⁴⁰ Mills, G. (21 April 2005). *Agitator, Facilitator or Benefactor? Assessing South Africa's Zimbabwe Policy* testimony before the House Committee on International Relations, Sub-Committee on Africa, Global Human Rights, and International Operations, Washington DC.

A press conference of the ZSF on 22 March 2005 highlighted the extent to which violence sponsored by the Zimbabwean government had led to an increase in the number of political victims that fled Zimbabwe for South Africa. The press conference was broadcast on the evening news of the South African Broadcasting Corporation (SABC), was aired on numerous radio stations, and was followed by another press conference on 7 April 2005 whereby the ZSF communicated its position and analysis with regard to the March 2005 elections in Zimbabwe. Representatives from the ZSF told journalists that they believed that elections in Zimbabwe were not free and fair, and that the environment was not conducive for free elections.

The conclusion of the March 2005 Zimbabwe election and the subsequent unrolling of Operation *Murambatsvina* necessitated a revision of focus and strategy on the part of the ZSF. On 10 June 2005, at the ZSF regular meeting, Ms. Thoko Matshe, a Zimbabwean female activist gave a presentation together with Bishop Ruben Phillip on the effects of Operation *Murambatsvina*, which led to a press conference on 20 June 2005. The MDC spokesperson Paul Themba Nyathi and Isabella Matambanadzo, a Zimbabwean activist from the Open Society Initiative for Southern Africa (OSISA), recounted to forum members and journalists the impact of Operation *Murambatsvina* on the poor people of Zimbabwe. They pleaded with the forum to step up its solidarity efforts as Zimbabweans needed to hear voices from the outside. The event was captured by two of the major newspapers in Gauteng and aired on SABC radio stations.

Other press conferences that followed included the release of video footage from Zimbabwe taken by the Solidarity Peace Trust and coincided with similar events organised by Amnesty International in Namibia, Nigeria, Zimbabwe, Egypt, Senegal and New York. This press conference also publicly criticised the lack of coverage given to the Zimbabwe issue by the SABC and was at least in part responsible for the subsequent response. The video footage released was the first of Operation *Murambatsvina* to appear on national television in South Africa and was given extensive media coverage. Full-page newspaper adverts supported by more than 200 organisations were also put in a national weekly and a daily newspaper. Following the fallout from Operation *Murambatsvina* the ZSF joined over 150 international human rights and civil organisations to release a joint appeal in June 2005 to the UN and the AU to help the people of Zimbabwe.

On 29 August 2005, in its parliamentary submission to the Home Affairs Portfolio Committee, the ZSF welcomed the announcement from the Home Affairs Minister that she had ordered an independent probe into the deaths of two Zimbabweans at the Lindela refugee holding facility in Gauteng and also provided suggestions on how the situation at Lindela could best be handled in the future. In response to the Minister's request to meet with Zimbabwean refugees and refugee organizations, the ZSF first arranged a preparatory meeting at the CSVR office with the wider Zimbabwean community and representatives of refugee organisations. During the subsequent meeting with the Minister, she expressed her appreciation of the ZSF, agreeing with the need for a group of South Africans to organise themselves and express solidarity with Zimbabweans. She committed herself to addressing some of the problems experienced by refugees and agreed to hold regular meetings of this nature.

A subsequent ZSF Public Meeting on 30 September 2005, held at the University of the Witwatersrand in Johannesburg, discussed two important issues related to Zimbabwe. The first focused on the political and economic effects of a collapsed Zimbabwe on South Africa, and the second explored the policy of the South African government in relation to Zimbabwe over the last five years. A major success of the meeting was the announcement by a representative from the Department of Home Affairs that the Minister of Home Affairs Nosiviwe Mapisa-Nqakula wished to see the ZSF assist in organising a meeting between refugees and refugee organisations in South Africa and her department.

Members of the ZSF also attended different political congresses and conferences in 2005, including the ANC National General Council held in Tshwane (Pretoria) from 30 June to 3 July 2005 and the SACP Special Congress held in Ethekwini (Durban) from 8 to 10 April. These provided an opportunity to raise awareness on events in Zimbabwe and ensure that the situation was discussed in depth by key political structures. These also provided platforms to distribute videos and DVD materials produced by the Solidarity Peace Trust (SPT) in an attempt to give a visual understanding of the crisis in Zimbabwe to South Africans.

The ZSF helped to organise funding for the Young Communist League's demonstration at the Zimbabwe and Swaziland Embassies on 31 March 2005, protesting human rights violations in both countries. On behalf of the ZSF, the Crisis in Zimbabwe Coalition funded a demonstration by the Congress of South African Students (COSAS) on the 25th Anniversary of Zimbabwean independence on 18 April 2005. COSAS managed to bring more than 500 learners to the march through the streets of Johannesburg to Khotso House and delivered a memorandum of support to the South African Council of Churches (SACC) and the Crisis in Zimbabwe Coalition office.

COSATU, some of whose affiliates are part of the forum, has conducted some of the most visible actions in response to Zimbabwe's struggles. With close ties to the Zimbabwe Congress of Trade Unions (ZCTU), COSATU has protested the treatment of workers and the poor under the current government. Some of the most publicised activities came in the run-up to the March 2005 parliamentary elections. In October 2004, and again in February 2005, delegations of COSATU officials who went to Zimbabwe with the intention to monitor the state of the country ahead of the elections were expelled from the country. These events were covered by both regional and international media, and were interpreted as a direct challenge to the ANC and to the government's position on Zimbabwe.

The ZSF released a press statement on 2 February 2005 condemning the expulsion of COSATU's delegation from Zimbabwe contending that "COSATU's integrity is beyond question in terms of its intentions, and that attempts to label the organisation's intentions as nefarious, are improper, fundamentally inaccurate and malicious."¹⁴¹ *Insert reference here.* On the eve of the elections, COSATU also planned to blockade the Beit Bridge border in a call for democratic reforms in Zimbabwe, but were prevented from doing so by the police, ending up only picketing 200 meters from the post.

Following COSATU's aborted visit to Zimbabwe, the ANC was embarrassed by the treatment a member of the tripartite alliance had received. Consequently they were compelled to engage COSATU on the Zimbabwe issue. To an extent, these organisations influenced the government's reaction to unfolding political events in Zimbabwe.

The South African Council of Churches is another civil society grouping that has carried out a series of high-profile activities aimed at influencing South African policy on Zimbabwe. As with COSATU, the SACC has strong, historical links with its counterpart in Zimbabwe, the Zimbabwe Council of Churches. Among the best publicised of its activities was a letter sent to President Mbeki in February 2004 urging him to put pressure on the MDC and ZANU-PF to renew negotiations,¹⁴² an action that followed a year of efforts by the churches.

More recent actions by the SACC were carried out in response to Operation *Murambatsvina*. In July 2005 a delegation from the SACC visited Zimbabwe to assess the impact of the operation going on at the time and was harshly critical of the Zimbabwean government. Following this trip, the SACC met with President Mbeki to express its concern over the operation. At this meeting, Mbeki expressed support for a humanitarian relief campaign which the SACC subsequently launched¹⁴³ (and which was held-up by the Zimbabwean authorities). Following a second trip to Zimbabwe, the SACC met again with Mbeki and other high-ranking members of the South African

141 Support for COSATU fact-finding mission, Zimbabwe Solidarity and Consultation Forum, Press release, 2 February 2005

142 United Nations Integrated Regional Information Network (2 March 2004), *Zimbabwe: Clerical task team to kick-start talks*.

143 LeRoux, M. (15 July 2005), "Mbeki promises to support Zim relief" in *Mail & Guardian*.

government, during which time they reportedly expressed concern over the proposal to help Zimbabwe pay off its loan from the IMF. They reported that President Mbeki was "trying his best" to resolve the situation in Zimbabwe and that there was a lot going on that people did not know about, given the nature of diplomacy.¹⁴⁴

The positions taken by South African social movements towards Zimbabwe are complicated. Initially, organisations such as the Landless People's Movement (LPM) came out in support of the Zimbabwean government's land redistribution programme. Patrick Bond from the University of KwaZulu-Natal has stated that, "the tragedy is that civil society has not more readily identified with the oppression of the working class in Zimbabwe, especially the progressive/social movements (which have the capacity to mobilise large numbers)."¹⁴⁵ However, a delegation was sent to observe the March 2005 elections, including members of the Anti-Privatisation Forum (APF), the LPM and Jubilee South Africa. Their report was harshly critical of the Zimbabwean government, highlighting draconian media and assembly laws and the failure of the land reform programme.¹⁴⁶

Political parties and international civil society organisations have also attempted to apply pressure on the government. The Independent Democrats wrote a letter to the President and the Deputy President, Phumzile Mlambo-Ngcuka to discuss Zimbabwe, to which they replied stating that they were happy to engage.¹⁴⁷ The Democratic Alliance has also been outspoken on its opposition to government policy. Amnesty International, South Africa, together with CIVICUS: World Alliance for Citizen Participation and the South African Non-Governmental Organisations Coalition (SANGOCO) organised a "solidarity rally" in the border town of Musina on the eve of the March 2005 elections to protest against violations of human rights in Zimbabwe.

It is difficult to argue a direct causal relationship between the activities of the Zimbabwe Solidarity Forum, and other civil society actors, and any subsequent shifts in government policy. This is partly because of the complexity of the policy-making process, but also because of the absence of any official points of engagement out of which any changes can be observed. Some would argue that the efforts of civil society make very little difference at all to what emerges as policy, while others cite evidence of shifts that may not have occurred in the absence of outspoken criticism and policy alternatives. The following section will explore this relationship of cause and effect in more depth and draw some conclusions that could inform a more effective way forward.

4.4. Roles and challenges of civil society in foreign policy choices

As was established earlier, foreign policy evolves organically and is influenced by ideas, changing circumstances and personalities. A wide range of factors that influence foreign policy choices make it virtually impossible to draw a direct causal link between civil society actions and policy changes.¹⁴⁸ Most of the people interviewed for this case study did not believe that South African civil society has had a significant impact on policy decisions, which is accurate in so far as the general position of the South African government, that is, to favour engagement over isolation has not changed. If examined closely, however, the reality is slightly more nuanced. There is a correlation between several key activities of civil society and policy changes, making it reasonable to assume that civil society organisations contributed, at least in part, to these shifts.

For example, the pressure the SACC applied on the South African government to get the MDC and ZANU-PF back to the negotiation table is widely viewed as having influenced their decision to do so. Another recent shift is apparent in the loan conditions that the South African government allegedly raised when President

¹⁴⁴ MacLennan, B. (10 August 2005). "Zim crisis: Mbeki 'trying his best'" in *Mail & Guardian*.

¹⁴⁵ Interview with Patrick Bond.

¹⁴⁶ Indymedia (22 March 2005). "Report by Social Movement Observer Delegation to Zimbabwe".

¹⁴⁷ Interview with Lance Greyling.

¹⁴⁸ Interview with Steven Friedman.

Mugabe asked for South Africa's help to pay off the IMF debt, which indicated a firmer stance towards Zimbabwe. The meeting that the SACC held with President Mbeki seems to have been an important factor in convincing the government to hold back on giving the loan.¹⁴⁹ The government was also under intense public pressure, as both civil society and the media came out loudly against Zimbabwe's loan request, disturbed by the graphic images of Operation *Murambatsvina* splashed across their television screens. The footage of this destruction was first picked up by the media at the 22 June 2005 press conference organised by the ZSF.

However even the successful interventions of those civil society actors that are close to government cannot be a substitute for transparent mechanisms for public participation in policy-making. It can be argued that the SACC has actually got too close to government¹⁵⁰ and that the meetings they have had were not transparent enough to constitute meaningful civil society consultation.¹⁵¹

Some members of the forum believe that, although government has not been willing to officially engage with the ZSF, there is a greater willingness to talk privately, behind closed doors.¹⁵² These "behind closed doors" discussions are strengthened by the existence of organisations such as the ZSF. "Just by coming together and being a forum they are making a contribution because when we go to speak to individuals within government, and say we are speaking on behalf of x, y and z, we have legitimacy in their eyes," comments a staff member from the Zimbabwean Liaison Office.¹⁵³

Regardless of the real impact of civil society efforts to influence foreign policy, the absence of formal processes for public participation creates the perception that government is largely unwilling to engage or be influenced by civil society positions. In practice, civil society's contribution to foreign policy tends to be marginal, specifically when it comes to peace and security issues. As Steven Friedman puts it, "Democracy assumes that citizens have a stake in the policy which is made in their name, why does this principle cease to hold if that policy is made in relation to external factors?"¹⁵⁴

The government appears to be reluctant to engage civil society on foreign policy because it considers these issues to be technical, diplomatically complicated and sensitive to national security. Contributions that are valued come almost exclusively from large research NGOs – like the African Centre for the Constructive Resolution of Disputes (ACCORD), the Institute for Democracy in South Africa (IDASA) or the Institute for Security Studies (ISS) – which offer technical skills, such as research, that the government can take advantage of on an ad-hoc basis. Government is also far more likely to engage with organisations like these because they are safe and do not "rock the boat".¹⁵⁵

There is a conviction that the government listens less to civil society than to individuals with whom they share personal relationships. In particular those with whom relationships were forged during the liberation struggle.¹⁵⁶ Personal relationships remain a key avenue for engagement with the government. Despite its monolithic appearance, government is made up of individuals who can play an important internal role in affecting policy outcomes. However this key avenue for influence can in no way replace the need for more official government and civil society engagement. There is currently little transparency or communication with the public over foreign policy decisions. Inevitably, the public only gets to know of any policy developments once they are brought into the public domain.¹⁵⁷ More transparency from government about how decisions are made would build more confidence around foreign policy.

149 Interview with Thami Ngwenya.

150 Interview with the Right Reverend Rubin Phillip.

151 Interview with Lance Greyling.

152 Interview with Joan Brickhill.

153 Ibid.

154 Interview with Steven Friedman.

155 Interview with Kwezi Mnqibisa.

156 Interview with Joan Brickhill.

157 Interview with Thami Ngwenya.

The lack of clear mechanisms for participation not only reduces confidence, but also takes away the potential for building cooperative partnerships that could be mutually beneficial. In Burundi, for example, the South African government and civil society have been working separately, despite both working towards shared peace- and security-related goals. However this apparent opportunity does not appear to provide sufficient incentive for closer cooperation that is not co-optive in nature. The legitimacy and popularity of the current government is not likely to be threatened, especially by a foreign policy issue.¹⁵⁸

Excluding civil society is thus not seen as a major source of concern. Recent comments by President Thabo Mbeki about NGOs pushing the agenda of their western donors by critiquing the government have been perceived as threatening towards outspoken civil society actors, and there is a concern that those who do criticise might be seen as traitors if they disagree with government.¹⁵⁹

The nature of civil society in South Africa itself also limits its impact on foreign policy issues. Understandably, there is "an assumption (among South African civil society) that what is foreign is foreign, and what is domestic is critical."¹⁶⁰ People for good reasons tend to be far more concerned with local issues than they are about the situation in Zimbabwe. For instance, COSATU's priorities will always primarily lie with the national concerns that immediately affect its constituents, such as HIV/AIDS or the country's labour laws. Where there is an interest in what is happening outside of South Africa, it tends to be issue-specific and related to the concerns of the groups involved. For example, both Jewish and Muslim communities have mobilised at various times to respond to South Africa's policy towards the Middle East.¹⁶¹

A related concern is the limited capacity of civil society organisations to speak with a coherent voice that articulates shared concrete concerns and suggestions. It is difficult to expect government to engage effectively with civil society unless it can organise and use its collective power. This makes platforms such as the ZSF vital as avenues where civil society can discuss issues and come to common positions that can be presented to the government.

Institutional changes could be made to increase the opportunities for civil society to impact on foreign policy and for government to take advantage of the grassroots views and contributions civil society has to make. For example, the role of the Presidency in policy review could be strengthened in collaboration with civil society organisations. It could hold open analysis and discussion forums, and invite input from a broad range of civil society organisations. It could engage civil society and deepen an understanding of the thinking behind particular policies. Kwezi Mngqibisa from ACCORD contends that "as civil society we do not need an institutionalised linkage to foreign policy-making, that is exactly why we are who we are, we are not an extension of the policy unit of the DFA."¹⁶² Nevertheless the prospect of meaningful engagement would provide a rich incentive for civil society actors to find ways of working together and to focus on contributing to a foreign policy that was understood, supported and consistent with the values and principles of our own democracy.

¹⁵⁸ Interview with David Moore.

¹⁵⁹ Interview with the Right Reverend Ruben Phillips.

¹⁶⁰ Interview with Thami Ngweni.

¹⁶¹ Hughes, T. (2004). *Composers, conductors and players: Harmony and discord in South African foreign policy making*. Johannesburg: Konrad Adenauer Foundation, p159.

¹⁶² Interview with Kwezi Mngqibisa.

5 Public participation in policy processes: Some recommended approaches and strategies

This research paper has already articulated the clear advantages of improved public participation in domestic policy-making. It is evident that the government's stated commitment to multi-stakeholder policy processes has sometimes failed to translate into real mechanisms that make ordinary citizens feel valued, respected and acknowledged. This section will explore some of the gaps between policy and practice and suggest some additional mechanisms that could assist in giving practical meaning to government's intentions. Finally it will make some suggestions on ways to strengthen civil society's ability to contribute usefully to the formulation and implementation of foreign policy.

The government White Papers on Transforming Public Service Delivery and Local Government provide useful frameworks and principles that underline the importance of public participation in policy-making and service delivery. National, provincial and local government departments are required to adhere to the *Batho Pele* principles through "regular and systematic" consultations that enable citizens to influence decisions related to public service delivery and promote cooperative relationships between the state and citizens.¹⁶³

The *Batho Pele* principles focus on *how* the process of public service delivery should be carried out, leaving aside the decision of *what* should be provided to the outcomes of the consultation processes and government departments specialised in specific areas of service delivery such as water, health and electricity.¹⁶⁴ Public servants can use surveys, interviews, focus group discussions, meetings with community-based organisations and NGOs and other methods in order to consult with citizens. They are required to publicise the outcomes of the consultation processes, and properly take into consideration the information and feedback received from citizens when making decisions about the type and the level of services to be delivered,¹⁶⁵ and when they develop and prioritise policy options and strategies for legislators. It is stated that public servants should not create "unrealistic expectations"¹⁶⁶ but should rather use such consultations to identify socio-economic problems faced by citizens and inform the public about the capacities and limitations of government in addressing these problems. In line with the outcome of the consultations, the final decision-making power on the types and levels of public services to be provided to the public rests with the elected representatives and higher government officials including Ministers and MECs.¹⁶⁷

The adoption of the *Batho Pele* principles underscores the recognition of public participation as an essential component of public service delivery. It demonstrates the government's political will to support the participation of citizens in policy processes that determine the type and quality of public service delivery at national, provincial and local government levels. The proper engagement of citizens in consultation processes is supposed to clarify what citizens want and what the government is capable of delivering within a specific timeframe. The consultation processes are meant to define and generate consensus about what the public should realistically expect from government. The successes and failures of public service delivery should be primarily measured by the extent to which they respond to the needs and aspirations gathered through these consultations.

In policy terms, the development of the *Batho Pele* principles was a crucial development in public service delivery history. The principles established overarching values and norms that have the potential to substantially transform the service delivery systems and structures inherited from apartheid. They promote people-centred and customer-focused attitudes and practices that aim at efficient and effective delivery of public services. They envision the replacement of the rampant and self-serving bureaucratic mentality with dynamic, efficient and effective systems

¹⁶³ White Paper on Transforming Public Service Delivery, 1998, p. 8.

¹⁶⁴ *Ibid.*, p. 3.

¹⁶⁵ *Ibid.*, p. 8-9.

¹⁶⁶ *Ibid.*, p. 9.

¹⁶⁷ *Ibid.*, pp. 8-9.

and structures that function in the interest of the public and particularly target the poor and previously disadvantaged communities.

There is, however, a severe disjuncture between the intentions behind the principles and the demonstrable failure of many government structures to implement them in practice, as seen in places like Khayelitsha. Currently serving only as guidelines, they could be legally extended to serve as binding requirements for local government departments, by incorporating them into the legal frameworks and the instruments that govern the sphere of local government. As part of their supervisory and support roles, national and provincial governments should use the principles to monitor the functions and performance of local government departments.

Government departments should ensure that the application of the *Batho Pele* principles constitutes the performance management of public servants and they should regularly monitor whether the performance of staff is appraised in accordance with those principles. Beneficiaries of public services could also be invited to participate in these performance appraisals in order to ensure that *Batho Pele* is properly implemented. This would require mechanisms for public feedback and information gathering on both institutional and individual performance of government departments.

The adoption of the principles requires attitudinal and behavioural changes that cannot be accomplished in a short period of time, and government officials also need to clearly understand and apply them in their daily work and engagements with the public. This could take the form of training workshops, exchange visits, sharing best practices and regular peer review forums to enable officials to share insights and strategies for the effective implementation of people-focused service delivery.

It is also important to critically re-evaluate the levels of public consultation that policy-makers have actually employed to date. In the White Paper for Transforming Public Service Delivery, the principle of consultation is arguably confined to, and seems to imply, simply information-gathering and soliciting public opinion on the needs and aspirations of citizens related to service delivery by public servants. Public participation beyond communicating their priorities to public servants is not clearly outlined.

This form of consultation is based on the conviction that elected public representatives have the electoral mandate, the will, the capacity and knowledge, and the ultimate position to decide on policy choices and directions. Such a conviction, as we have argued in this paper, perpetuates the limitations of a purely representative democracy and fails to benefit from the tension-resolving dialogue and opportunities for cooperation possible within a more participatory understanding.

The introduction of mechanisms that enable citizens not only to provide information on their needs and aspirations but also get involved in policy-making and implementation processes on a regular basis would improve the application of the *Batho Pele* principles and the delivery of public services.

The following approaches and strategies may assist in providing a more participatory way forward:

5.1. Building the capacity of community-based groups to participate effectively in policy processes

Community-based organisations play a crucial role in mobilising community members for collective action, and in providing opportunities for managing community needs without the

need for violence. Esman and Uphoff outlined eight tasks of local organisations that can be grouped into four main areas:

- (1) Inter-organisational tasks that range from planning and goal setting into conflict management;
- (2) Resource tasks that cover resource mobilisation and resource management;
- (3) Service tasks that include provision and coordination of services; and
- (4) Extra-organisational tasks that refer to claim making on government and control of public institutions and bureaucracy.¹⁶⁸

If carried out effectively, these four tasks would enable community-based organisations to assume an intermediary role between government and communities and contribute to the effective implementation of agreed policy processes. Capacity building of these organisations should form part of government's strategy at local level.

Strategic planning exercises of local government would be strengthened through the involvement of organisations with access to comprehensive information and the capacity to provide meaningful input.

Partnership and networking among civil society organisations, including community-based organisations, was identified as a strategic priority in transforming public service delivery. This is particularly important in relation to disseminating information.¹⁶⁹ This role could be extended to find roles in which community-based organisations could contribute directly to the implementation of policies and finding solutions to community grievances.

Building the capacity of community-based groups in terms of access to information and knowledge, social organisation and the material and financial resources required for meaningful involvement will ultimately benefit a government intent on meeting the human security needs of its citizens. Capacity-building initiatives may include tailor-made training, information and experience sharing and exposure visits that facilitate lateral learning from other communities and best practices.

5.2. Developing an effective community development workers programme

The introduction of the Community Development Workers Programme in 2003 brought a new dimension to public service delivery in South Africa. The programme was aimed at bridging the gap between government and communities through the recruitment of a new category of public servants that facilitates public service delivery through improved communication with community members and that assists them to access the public services they are entitled to.¹⁷⁰

Community development workers interface between communities and government departments. They approach community members as a group and individually, and provide them with information about the policies, plans and programmes of various government departments. They also assist individual community members to access services.

Community development workers gauge the capacities of government departments, address the concerns raised by community members and make recommendations for improvements. They help fast-track and democratise service delivery. They listen to people's complaints and keep the government informed about what is happening on the ground.¹⁷¹

The Community Development Workers Programme is a presidential programme managed by the Department of Public Service and Administration. Since 2003, classroom and on-the-

¹⁶⁸ Esman, Milton and Norman Uphoff. (1984). *Local Organizations: Intermediaries in Rural Development*. Ithaca, N.Y.:Cornell University Press.

¹⁶⁹ Department of Public Service and Administration (1997). *Batho Pele – "People First": White Paper on Transforming Public Service Delivery.*, p15.

¹⁷⁰ International Marketing Council of South Africa (28 November 2005). *South Africa's Community Workers*.

¹⁷¹ Interview with Community Development Workers.

job trainings have been provided to community development workers who were assigned to various government departments to facilitate interaction with community members and bring government closer to the people in line with the *Batho Pele* principles.

Nevertheless, as the programme is new and all government departments are not properly informed about its purpose and operational mechanisms, community development workers have faced difficulties in receiving the required level of support and assistance. Some government departments were reluctant to engage with the programme, viewing the community development workers as an unwarranted interference in their functions. Others reportedly saw them as fault-finders and assumed defensive positions.

The Community Development Workers Programme has huge potential to enhance public participation in decision-making but additional efforts are required to formalise and entrench the role of the development worker. These could include:

- (1) Formalising the functions of community development workers in government departments;
- (2) Informing and educating public servants, the public and communities about the purpose and relevance of community development workers;
- (3) An ongoing programme of support and learning that regularly brings development workers together to build their skills and learn from each other's experience; and
- (4) Regular monitoring and evaluation of the programme and the incorporation of the lessons learned.

5.3. Strengthening ward committees and expanding their role

As official government structures, ward committees are ideally placed to encourage meaningful community engagement with the state. If properly organised, they could facilitate genuine solutions to local problems and stimulate dialogue between important local stakeholders. Such forums assist CBOs and civic structures to understand policies, resolve any conflicts and involve citizens directly in implementing the policies that impact on them.

In order for this to transpire, however, ward committees will need to go beyond the politics of personality and party-political dynamics. In areas where they do not yet exist, or are weakened by conflict, they will need to be re-constituted with a fresh sense of common purpose.

Ward committees should be encouraged to critically understand the power relations between the government and communities, in order to develop creative ways to resolve unequal power dynamics. These discussions would enable communities to understand the reasoning behind policies and the constraints under which government operates. From this empowered point of view, communities would be able to participate in problem-solving and prioritisation of important local issues, without using force or violence.

Communities and community representatives need to be properly informed in order to participate adequately in decision-making, and ward committees should be tasked to ensure that this happens. Ward committees should be collecting data about the impact of various policies on their constituents, and helping to generate local solutions for local needs.

5.4. Utilising community information centres as a means to encourage public participation

Access to information in a format and language that is easily accessible by community members is essential for public service delivery and the participation of communities in policy decisions that

affect their lives. Setting up community information centres would provide ample opportunities to facilitate information provision that would take into account local information needs and appropriate information delivery mechanisms. They can serve as alternative mechanisms to provide information to communities that are not in close proximity to government departments. They can serve as mechanisms not only to communicate information about the policies, plans and programmes of government departments in public service delivery but also to document and communicate information about the specific needs and aspirations of community members.

These community information centres should be conceptualised based on the particular information needs of communities. Care should be taken not to replicate western library models that may prove unsuccessful – rather, information resources should be in languages and formats that are user-friendly and accessible to people of varying educational and language ability. For instance, communities may prefer the provision of information orally, visually or through story telling. In such circumstances, the provision of printed information in complicated professional language may not lead to the desired results. Instead, inviting a local government official or public servant to a community information centre to speak on the policies, plans and programmes of the department may prove successful for a number of reasons. Community representatives can listen to government plans and ask questions. The interpersonal communication and networking help create better understanding and information-sharing between government departments and communities they serve. In addition to information provision, community information centres can serve as platforms for policy dialogue whereby government departments can engage with community members to identify their needs and aspirations and discuss policy options and priorities.

South Africa already has many community information centres that serve both rural and urban communities. The existing practices and potentials of these centres, particularly their capacity to facilitate public participation in policy processes should be regularly reviewed and improved. Continental and international experiences can provide ample learning opportunities in this regard. In a community where there are no community information centres, local governments including ward committees should be tasked with the setting up of information centres in accordance with the information needs in the community. Government departments, NGOs and donor agencies can help assist the setting-up and strengthening such centres in order to facilitate public participation in policy processes.

5.5. Utilising the potential of community radio and newspapers for policy dialogue

Community media, which include both print and electronic media, constitute an essential means of communication for public participation in policy processes. Community media is limited in its area of coverage and mainly focuses on issues that affect the community it represents. This limitation of geographic reach presents an opportunity to address specific local concerns in a rigorous and detailed manner.

Community media are owned by the community they serve (at least in theory) and that gives community members the right to determine the type of information collected, processed and disseminated by the media. Unlike public and private media that serve the general public (the government, in most cases) or the private sector, community media give priority to the promotion of the interests of the community.

Community media, particularly community radios, can serve as an effective means of public participation in policy-making and implementation. They can provide a regular platform

whereby community members can engage with politicians, policy-makers and bureaucrats on policy issues. They can serve as a medium between communities and government departments, mobilise communities for collective action and empower them by airing their views. The bias of community media towards the community can serve as a mechanism for advocacy that may not necessarily be accomplished by public and private media. It can play the role of information provision and public education, in the same way as community information centres.

Government officials and public servants could explain government policies, programmes and plans to the community. Community members and their representatives could, in turn, comment on government policy choices and implementation, voice their concerns about service delivery and demand corrective actions. International experience has demonstrated the importance of community media. Along with television talk shows and referendums, they provide an effective means of public participation in policy processes.¹⁷²

In Khayelitsha, the existence of Radio Zibonel, a community radio, facilitated information provision both to community members and local government departments. The radio invited community members, community organisations and representatives to the station and allowed them to voice their concerns on public service delivery and the performance of local government departments. On the situation of housing, the radio provided a platform for government officials, members of the anti-eviction campaign and others to share their stances and engage in dialogue.¹⁷³

Vukani Community Newspaper has also been serving the community with information provision and dissemination. It focuses on African townships that stretch from Langa to Gugulethu in the Western Cape, with a weekly publication and distribution of 75,000 free copies to the public. Five people are expected to read one copy. The community newspaper covers issues related to public service delivery that include housing, water, sanitation, health, electricity and transport. Community members call on the newspaper and ask for coverage of what is happening in their community.¹⁷⁴

Government departments, non-governmental organisations and donor agencies should enhance the potential of community media in facilitating public participation in policy processes. This requires building the capacity of board members, journalists, reporters and producers in areas of policy-making and implementation, advocacy and lobbying. There is a need to emphasis and re-define the ownership of community media as there is a tendency to sideline the "community" aspect of community radio and focus on its technological and mass communication potentials. This will help enhance the role and capacity of community media for public participation in policy processes.

5.6. Revising and enhancing the role of civil society in foreign policy-making

The case study of the Zimbabwe Solidarity Forum (ZSF) demonstrates the complexity of foreign policy processes. If civil society wants to assert its interests and influence this policy domain, they must accept responsibility for making their own voices heard. It has been difficult to establish whether South African civil society has the necessary expertise, skills, collective voice and the time to question, critique and provide alternatives to the foreign policy choices the government makes.

Civil society organisations are more likely to be powerful and vocal if they speak with a united voice on issues. It does not help if different strands of civil society are calling for different strategies and solutions, for example, on the crisis in Zimbabwe. This brings opportunities for government to pick and chose who they want to engage with "behind closed doors". Furthermore, it is often divisive and separates the organisations and people who should be working together in a way that minimises the use of resources and expertise, and maximises impact. This is not to argue that civil society should be institutionalised in order to speak with one voice. Where there is a group of people, disagreements and tensions are bound to arise as people usually have different interests and preferences on any issue. In principle there is nothing wrong with

¹⁷² Masango, R. 2002 "Public Participation: A Critical Ingredient of Good Governance" in *Politeia* Vol 21 No 2, pp. 52-65. available online <http://www.sabinet.co.za/journals/onlinejournals.html> 11/01/2006,p63

¹⁷³ Interview with Siyabulela Mqikela.

¹⁷⁴ Interview with Vuki Vooxsonanzi.

people disagreeing with one another but the most important thing is to ensure that those who have a common agenda to agree, at least on their guiding principles and the main goal. These organisations and people can choose to use different strategies in order to reach their main goal and objective however the principles should not be vague and must be acceptable by everybody.

However, effective foreign policy engagement is not solely dependent on civil society organisations themselves. Obviously the Portfolio Committee on Foreign Affairs should also be strengthened as it does not seem to be currently very effective. This structure could become an important avenue for the public to engage and make submissions on foreign policy-related issues. Civil society organisations do not only have to deal with government and parliament on foreign policy matters but also have the power to engage in all forms of activities like cross border networks and sector-to-sector linkages. If South African civil society were to engage itself more with their Zimbabwean counterparts, it would enable them to speak with more authority, and with more useful insight, on Zimbabwean issues.

The government is also missing out on an important opportunity to tap into the resources and expertise of the civil society which could complement government needs. For example, civil society has the strength to both engage with the political players in Zimbabwe and also the ordinary people on the ground that are directly affected by government policies. In the case of Zimbabwe, for a long time the South African government has chosen to speak to the party political players in Zimbabwe, that is, ZANU-PF and the MDC and there are no traces or indications of them ever engaging with the ordinary Zimbabwean citizens or the civil society formations into which they have organised themselves. This may have opened up opportunities that have been lacking at the formal political level.

In other cases, civil society's contributions at community level are often focused on the implementation of policies or at containing the fall-out from ineffective policies. For example, the role of civil society in managing the reintegration processes of ex-combatants and the return of displaced communities is essential to making these policies effective. Yet often these contributions are either ignored or undermined by higher-level processes. This would appear to be counterproductive. There is little doubt that a more open approach to foreign policy formulation would create the conditions through which a more coordinated set of strategies could be developed that would have greater impact and be more likely to achieve intended impacts. In order for this more open approach to work in practice, civil society will need to rise to the challenge of better organising and better information. Government will also need to actively research what civil society initiatives exist and create genuine opportunities for developing cooperative partnerships. These partnerships may take all of us closer to meeting the human security needs of not only South Africa but the continent as well.

Through these recommendations we hope to contribute to improving existing mechanisms for public participation by non-state actors and those affected by government's policies decisions. We hope that applying these recommendations will improve people-centred, demand-driven policy-making, both on the domestic and foreign fronts. We believe that context-specific participatory governance mechanisms will increase the responsiveness and accountability of government departments, improve public service delivery and human security, and reduce the likelihood of citizens resorting to violence as a way to voice their grievances.

The ideals of the Freedom Charter – *the people shall govern* – still echo in many corners of South Africa. The realisation of these ideals pose a fundamental challenge to all who envision a society that gives full expression to the power of peoples participation.

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List of interviewees

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2. Professor Patrick Bond, University of KwaZulu-Natal, Durban. 28/09/2005.
3. Paul Boughey, political analyst and researcher, Democratic Alliance, Cape Town. 09/12/2005.
4. Joan Brickhill, Zimbabwe Liaison Office, Cape Town. 07/12/2005.
5. Community development workers (group interview), Mitchell's Plain, Cape Town. 12/09/2005.
6. Brian Denton, policy section, Western Cape Provincial Department of Housing. 08/10/2005.
7. Steven Friedman, Senior Research Fellow, Centre for Policy Studies, Johannesburg. 28/09/2005.
8. Hilda Gatyeni, community member, Mandela Park, Khayelitsha, Cape Town. 13/09/2005.
9. Lance Greyling, Member of Parliament, Independent Democrats, Cape Town. 27/09/2005.
10. Professor Geoff Harris, Head: Peace Studies and Conflict Resolution Programme, School of Economics, University of KwaZulu-Natal, Durban. 10/10/2005.
11. Kwezi Mngqibisa, Manager: Peace and Security Unit, African Centre for the Constructive Resolution of Disputes (ACCORD), Mt Edgecombe. 21/10/2005.
12. David Monyae, Lecturer: Department of International Relations, University of Witwatersrand, Johannesburg. 06/10/2005.
13. Professor David Moore, Department of Economic History and Development Studies, Howard College, University of KwaZulu-Natal, Durban. 21/10/2005.
14. Siyabulela Mqikela, Community Radio Manager, Radio Zibonele, Cape Town. 15/09/2005.
15. Goodman Ngombane, Ex-chairperson:SANCO, Mandela Park, Khayelitsha, Cape Town. 15/09/2005.
16. Mbongeni Ngombane, Ward Councillor, Mandela Park, Khayelitsha, Cape Town. 16/09/2005.
17. Thami Ngwenya, Programme Manager: Governance and Human Rights, Centre for Public Participation, Durban. 19/10/2005.
18. Mariam Nomainda (and anonymous community member), Site B, Khayelitsha, Cape Town. 13/09/2005.
19. Nadima Peterson, Community Development Worker, Mitchell's Plain, Cape Town. 12/09/2005.
20. Bishop Rubin Phillip, Anglican Bishop of KwaZulu-Natal, Chair of Zimbabwe Solidarity Forum, Co-chair of the Solidarity Peace Trust, Durban. 20/10/2005.
21. Rina Qoko, senior citizen, Mandela Park, Khayelitsha, Cape Town. 12/09/2005.
22. Professor Robert Schrire, Head: Department of Political Studies, University of Cape Town, Cape Town. 14/09/2005.
23. Ntombekaya Skondo, Executive Committee Member: Khayelitsha Development Forum, Khayelitsha, Cape Town. 16/09/2005.
24. Carl Stauffer, Coordinator: Regional Peace Work, Johannesburg. 20/09/2005.
25. Thami Toba, Anti-Eviction Campaign, Mandela Park, Khayelitsha, Cape Town, 12 September 2005
26. Jackson Tom, Evicted and Returned Person, Mandela Park, Khayelitsha, Cape Town. 13/09/2005.
27. Vuki Vooxsonanzi, Editor: Vukani Community Newspaper, Cape Town. 15/09/2005.

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