

A moral to the tale

The Treatment Action Campaign and the politics of HIV/AIDS

Is the Treatment Action Campaign (TAC) a model for other social movements? Are its methods effective? Has it developed ways of winning gains which could be adopted by others demanding social equity? And does TAC offer an approach, which enables the poor to claim the rights promised by democratic citizenship? **Steven Friedman and Shauna Mottiar** explore these questions.

The current international spread of democracy has not reduced social inequality because the poor have been unable to use their democratic rights because their traditional champions, such as trade unions are less effective now changes in the labour market are excluding the poor from the formal workplace (Friedman, 2002). This leaves a pressing need for new approaches to empower the poor and weak. The TAC could be a role model for effective social activism.

The TAC was launched on December 10, 1998 - International Human Rights Day - to 'campaign for greater access to treatment for all South Africans, by raising public awareness and understanding about issues surrounding the availability, affordability and use of HIV treatments'.

Although the TAC is probably best known for securing concessions from the government, its founders expected it to be tackling pharmaceutical companies. They did not expect the government to deny the link between HIV and AIDS and to oppose 'roll out' of antiretrovirals (ARVs). It was, partly, government failure to respond to the withdrawal of the Pharmaceutical Manufacturers Association's (PMA) attempt to halt the import of generic drugs by 'rolling out' ARVs which prompted its clash with the TAC.

The organisation employs a multi-strategy approach to campaigning, and its methods range from civil disobedience and street demonstrations through action in the courts (the AIDS Law project at the University of the Witwatersrand works closely with the TAC), to measured scientific arguments. It maintains its visibility through posters, pamphlets, meetings, street activism and letter writing and runs programmes, which provide services. Most important is the treatment project, which provides medication for some TAC and 'community' members, and the treatment literacy campaign, which

advises people undergoing, or administering treatment.

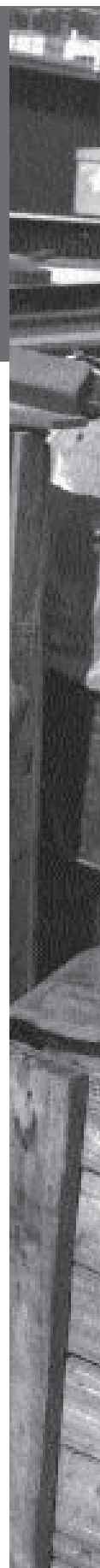
The literacy campaign includes content to raise consciousness. The treatment project shows that ARV programmes can be implemented effectively and that the TAC can put in place effective treatment. It is, therefore, also a campaigning tool, and a demonstration of the role the TAC could play in the 'roll out'.

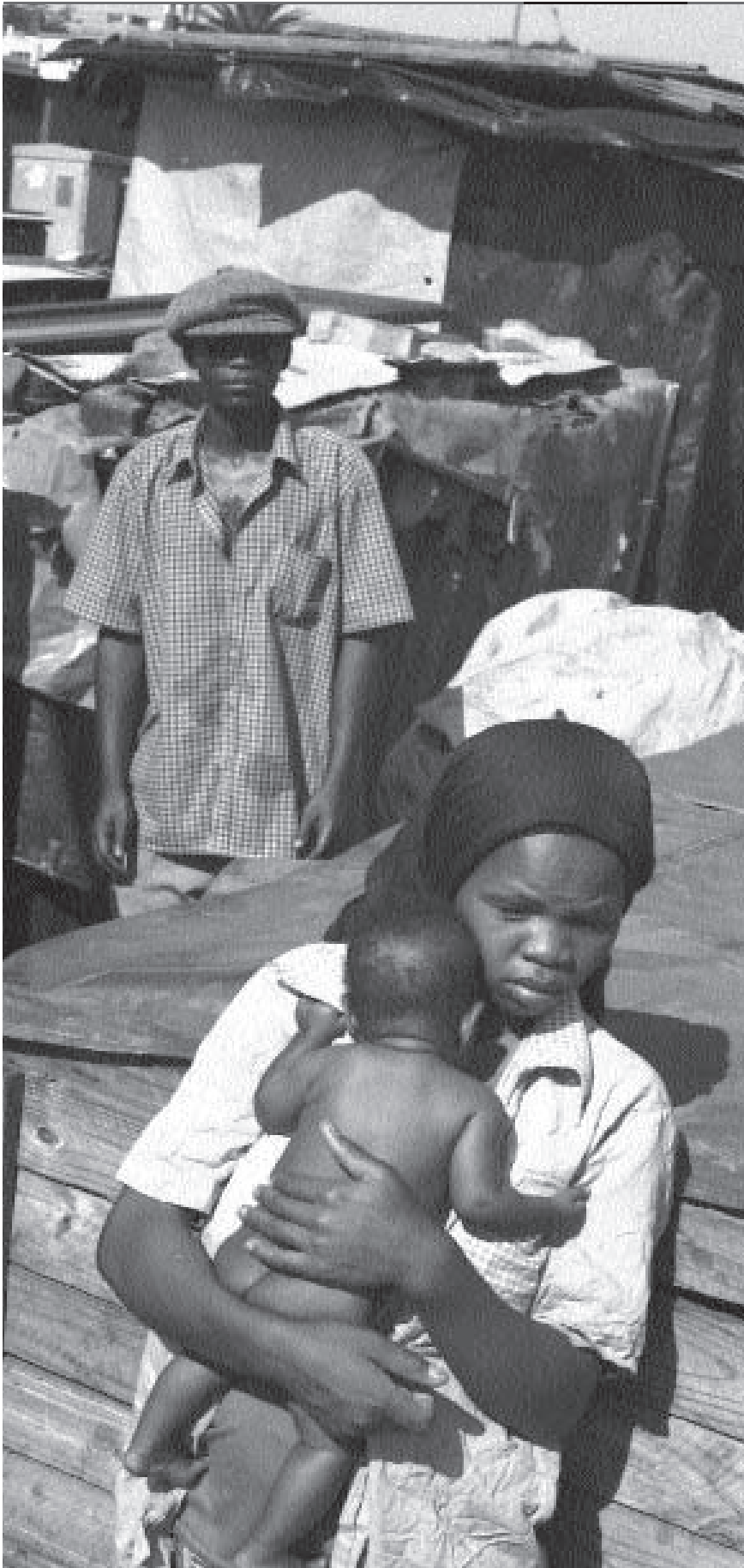
FINANCES AND INTERNAL ORGANISATION

The TAC is in many ways a conventional membership organisation, although aspects of its internal structure are unconventional. Thus there seems no clear distinction between members - who usually do not pay dues - and 'supporters', 'volunteers' or 'activists'. The primary means of becoming a member is to join a branch. While some branches charge a small membership fee, this is not the norm. Membership becomes relevant in the election of office bearers although even here there is divergence from the norm. Members elect its national executive committee, but social sectors are also represented - children, youth, faith-based organisations, health professionals and labour. Cosatu is automatically represented.

Membership in early 2004 was said to be around 8 000. This rose to 9 500 by mid-year, although TAC acknowledges that some people listed as members have died. Whichever figure is used, this is a very small percentage of the 5-million people estimated to be living with HIV and AIDS. An activist suggests also that the stigma of being identified as HIV positive deters membership. The TAC leaders recognise that the small base does constrain it and it cannot win issues by organised strength alone.

The TAC has grown in size, activities and funding. It has substantial full-time staff, administration, and funded programmes -





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features rarely associated with social movements. It employs 40 people and has a budget of R18-million for 2004/2005 - roughly double the income for 2002-2003. All revenue is from donations and the TAC does not accept donations from the government or pharmaceutical companies.

POLITICAL LOYALTIES

TAC is not affiliated to a political party and has members from a variety of parties. This has caused tension between African National Congress and Inkatha Freedom Party supporters with ANC supporters reluctant to take ARVs, reflecting government policy at the time, a Tongaat member said.

Treasurer Mark Heywood says the TAC is 'neither anti-government nor anti-ANC' but is prepared to oppose both fiercely if needs be. It appreciates that 'if there is a party composed of the poor it is the ANC'. Senior TAC officials acknowledge that, while it endorsed the role in the ARV 'roll-out' of the ANC-NNP Western Cape government, this might have been impossible if the province was governed by the Democratic Alliance. So despite its independence and diversity, TAC has a political identity which ensures a relationship with the government and ANC, unlike that of most social movements.

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INTERESTS AND IDENTITIES

Why do people join the TAC? Because they are HIV-positive and want medication? Or because they are socially aware and identify with people living with HIV and AIDS? It would be misleading to classify TAC as an interest-based organisation or one driven by

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identification or identity because it is both.

Discovering how many people join because they are HIV positive is not possible since it is an article of faith within TAC that people should not be required to reveal their HIV status (although they are encouraged to do so). Estimates of the proportion of participants with HIV and AIDS range from 50% to 70%. People may join for both reasons – TAC chair Zackie Achmat is HIV positive and a left activist. Participants who are not HIV positive are active as a result of social commitment or, in some cases, because people in their lives have been infected. Common sense might suggest that people at the grassroots are more likely to join because they are HIV positive, senior leaders more likely to be motivated by a cause. But a crude distinction between social activists at the top and HIV positive people at the bottom does not bear scrutiny. Not only are several office bearers HIV positive, but motives for participation offered by branch members include parents and children infected with the virus and a public-spirited desire to spread awareness.

The TAC's membership is largely poor and black. According to Achmat: 'The demographics of TAC are 80% unemployed, 70% women, 70% in the 14-24 age group and 90% African'. So the TAC speaks for people who do not share the advantages available to middle-class activists and may be unable to participate in complicated debates in English. This raises two dangers – that the grassroots concerns are not informing the leadership's agenda and that the TAC faces conflict as grassroots leaders feel their route to an effective role blocked.

The first issue is dealt with in our discussion of decision-making. The second, the TAC acknowledges as a problem. Significant efforts are being made to ensure that grassroots leaders are empowered for national leadership. There is, Heywood acknowledges, 'a tension between the profile of the leadership and base'.

Do TAC participants see it as a vehicle for social change – or simply as a means of

securing treatment for people living with HIV and AIDS? One of TAC's founders, Heywood, insists that no broader political agenda lay behind its formation, despite his and Achmat's history of left-wing activism: it is concerned, 'with the politics of health, not politics per se'. Many activists see TAC purely as a fighter for people with HIV and AIDS.

But some leaders do expect TAC to play a broader role. Achmat agrees: 'TAC is not a single-issue campaign – we also deal with governance, corporate governance and domestic violence. We are aiming to reorder the health sector. We need to build a culture of complaint; we need communities to become more active. We have a progressive social democratic vision and shouldn't hide it'.

Thus the TAC has committed itself to a People's Health Campaign. It has joined a trade union campaign to oppose textile imports (TAC Newsletter, 2004). It also organised, with the Basic Income Grant (BIG) Coalition, the first march for a BIG. It needs, KwaZulu-Natal deputy chair Gugu Mpongose suggests, to mobilise people to claim social grants and monitor access to them. Some middle level officials share a vision of a role concerned not just with HIV treatment but healthcare in general.

WHO GOVERNS TAC?

Despite its unconventional approach to membership, the TAC has a formal structure, which provides for internal representative democracy. The basic unit is the branch. Each province in which it is active also has a provincial executive committee (PEC) and it has a national executive committee (NEC), its prime decision-making structure. National leadership is nominated by branches and elected at a national congress every two years in a ballot supervised by the Independent Electoral Commission.

At the TAC's last conference, in August 2003, the chair and treasurer were elected unopposed while elections for deputy chair and secretary were contested. PECs and branches meet monthly. Despite the ambiguities about membership, participation

at branch meetings is largely restricted to members. There is broad agreement in TAC that national leadership initiates major strategic decisions. What is less clear is whether branches have significant influence. National proposals are passed to the provinces and then the districts, which are meant to confer with branches and send responses to the provincial level, which communicates them to the national office. National is the ultimate decision-making authority, although some compromise with other levels is made.

In theory, provinces are able to take strategic decisions, according to one official, but in practice this seems limited. Thus Western Cape decided to hold a demonstration disrupting a speech by deputy president Jacob Zuma. 'At the last minute we had to call our plans off because of an enraged call from Achmat who claimed that we had to wait for the civil disobedience campaign. We told him we felt this was the right time and he said quite angrily that the national office would announce when the right time was – we can't be sure how he found out about it but there was one person who didn't agree with our plans and so perhaps he said something. We had to inform our members that they could not whistle, toyi toyi or disrupt Zuma's speech – this ruined the spirit and made people question how much authority we really had', a local official said.

Relations with the national office are said to be 'fine' after this incident, suggesting that the conflict has been effectively managed. But there are tensions between the national leadership and provinces. 'Often there is resistance to national control: national has directed that all the treatment literacy campaigns be run in the same way in all provinces – but we here in Gauteng have some ideas of our own and are constantly voicing our need to do things our way', an official said. At present, these do not seem a serious source of conflict but, if internal democracy proves less effective in substance than form, they could become so.

Finances are tightly controlled at national level, a strategy justified as a necessary guard

against waste and corruption. Each province must submit a monthly budget and, on approval, funds are transferred to it. If money is needed urgently beyond the amount budgeted, it can be transferred only in response to a detailed account of the purpose. Tight financial controls have not entirely prevented misappropriation but have, TAC officials say, enabled them to detect it. Strong protections against corruption are a strategic necessity because of TAC's dependence on.

National is meant to be the highest decision-making level. But does membership have a say? 'Provinces and branches are consulted. Responses and suggestions go back to the national office before the final decision is taken,' an official said. In at least one case, branch members overturned a strategic decision by national leadership.

Not everyone agrees that upward communication is effective. One activist says her branch has better contact with the national than the provincial level which 'does not provide us with much input'. Another says minutes of branch meetings are sent to the provincial office 'but I am not too sure if they are ever used or sent to the national office. It seems our link with the provincial office is only strong during a crisis'.

Over-romantic views of democracy within TAC are inappropriate. There are structural constraints because some TAC strategies require technical knowledge unavailable to people who lack formal education. It is inevitable that at times a divide will emerge between the grassroots and national officials whose formal education or political histories give them an advantage in addressing technical and strategic issues. Rhetoric claiming that strategy is powered by the grassroots would deserve scepticism and it is to the credit of the TAC's national leadership that it did not make these claims.

But it would be equally misleading to reject the TAC's constitutional structures as a fig leaf for control by a small group. The TAC members are free to speak - interviewees were happy to talk openly, including those who offered frank criticism of the leadership.

THE TAC AND THE POLITICAL ENVIRONMENT

Despite considerable conflict with the

government, the TAC now has allies as well as opponents within it. A nother key asset is the support of people who are strategically placed in society, such as former president Mandela, Anglican Archbishop Njongonkulu Ndungane and then Medical Research Council president Malegapuru Makgoba.

Democratisation has created new strategic challenges for social movements. Winning and retaining public opinion matters more than during the anti-apartheid struggle when support could often be assumed. The legitimacy of the government and popularity of the ruling party are also new realities which activists forget at their peril: 'A major tactical error would be to lose support among our members as other social movements have done when they are seen to be threatening democratically elected leaders,' says Achmat. TAC is unusual among social movements in its appreciation of the need to change strategic calculations to accommodate formal democracy.

Whether the government's failure to improve the conditions of the poor prompted the TAC depends on whether the government refusal to 'roll out' ARVs is seen as a consequence of economic policy or AIDS 'denialism'. But the TAC clearly has grown in an opportunity structure in which perceived government failure to address social challenges has fuelled activism.

TO DEFY OR NOT?

The 2003 civil disobedience campaign in response to the government's failure to sign an agreement at the National Economic Development and Labour Council (Nedlac) agreeing to an AIDS treatment plan caused tensions because disobedience is historically used against a government most people do not support. There were fears that it would make the TAC politically vulnerable if it seemed anti-government and the campaign also promoted tensions between the 'middle class' component of TAC and the grassroots. Cosatu did not participate because 'we felt that our members would see this as an attempt to overthrow the government. It also placed them at risk if they participated'. Decisions, which would have been straightforward before democracy, became complicated under democratic conditions.

The decision to undertake civil disobedience was taken because the TAC leadership judged that the campaign could be defended and conducted in a way, that would not lose it the moral high ground. Part of this was showing that the decision was not taken lightly. It was also essential that the campaign be conducted in a manner, that showed that the TAC behaved non-violently, and its activists accepted the consequences of defying legitimate laws. Later, the campaign was called off to allow the government to respond.

The calculation appears to have been vindicated: the campaign is seen within the TAC as a success and is credited with achieving the Cabinet decision to 'roll out' ARVs (although the evidence for this is inconclusive).

The TAC's relations with government are complicated and assume co-operation and conflict can be employed together. 'We can win gains from this system - far-reaching reform is possible,' says Heywood.

This is particularly so since the Cabinet decision to agree to an ARV 'roll-out'. Ensuring that it is implemented is repeatedly stated as a key goal by the TAC activists. The TAC's statements on the roll-out insist that it is an enthusiastic government partner in this venture. A critic suggests that 'joining with government to provide ARVs will cost the TAC its independence and turn it into effectively a parallel structure to the state'. But the TAC and government leaders know the 'roll-out' is not the unfolding of a voluntary government strategy but a reluctant response to pressure. Nor has the government displayed great enthusiasm for a working partnership with TAC. Given this, TAC's intention to make the roll-out succeed is primarily a means to hold the government to its promise.

This has two important implications. The first is that making sure that concessions won by campaigns are implemented poses significant challenges to movements concerned to win gains rather than to act only as vehicles of protest or resistance. The delicate strategic challenge of knowing how to combine co-operation and conflict, partnership and challenge, poses far more complicated dilemmas than the politics of winning the concession.

Second, social movement activism can be an important resource for governments on issues on which they share goals championed by the movements. There may be some in government who see TAC as a useful partner as well as a some-time adversary. The problem lies where the government may vastly exaggerate the threat posed to it by social movements - a senior government politician is said to have told TAC activists it feared being overthrown by the TAC's campaign. This may reflect a wider government fear of 'populist' movements, which causes it to overstate their power.

TAC does not see the government as a monolith and has allies within it. It has lobbied sympathetic Cabinet members, even during periods of open conflict. Several interviewees suggested that relations with their provincial health departments were good.

TAC's mode of engagement with government is not simply born of convenience. It recognises democratic governments are elected by the majority of voters and so cannot be dismissed as 'enemies of the people'.

TAC AND THE REDISTRIBUTION OF POWER AND RESOURCES

Does the TAC empower the poor and marginalised? Does it enhance the deepening of democracy and the redistribution of resources? Do the grassroots enjoy a voice in the TAC?

But as important is whether TAC gives people, particularly the most powerless, and a sense of their ability to become active citizens. TAC leaders insist it does 'we are reconstituting civil society in places like Orange Farm (informal settlement): our members are not used to thinking of themselves as people with agency and power. Participation in TAC makes them aware of what they can do,' says Heywood. The TAC's role in fighting the stigma of HIV/AIDS and giving people living with it a sense of efficacy is itself an important contribution to changing roles in society. And basic information on the virus and how to cope with it helps participants take control of a vital aspect of their lives.

The level of grassroots participation in

TAC does suggest that it is doing far more than providing a vehicle for people to find medical relief from a deadly condition - although even that may empower its members. Its workshops, campaigns and discussion at branch level of strategic options offer members an opportunity to become active citizens rather than passive subjects. There is a widespread view among TAC activists that it needs to deepen its roots in the society. The People's Health Summit was meant to 'give communities a voice' and so broaden participation in the campaign for change. The TAC is pursuing a redistributive agenda, albeit one, which its critics feel, is not thoroughgoing enough. It has, with its allies, pressed multi-national companies to make medication available at lower prices or to give up their right to exclusive supply to manufacturers of generic medicine in exchange for a royalty. It has also prompted the government to agree to use its resources to provide ARVs to people who cannot afford them. TAC, despite its focus on an issue not automatically associated with poverty eradication, is working, with some success, towards the redistribution of social power and resources.

THE POLITICS OF THE MORAL HIGH GROUND

The TAC's senior leadership readily acknowledge that it has not won its gains because of organised strength of numbers. Its power - and that of other social movements - lies elsewhere.

Achmat says 'The TAC is not a numbers game. It is more about the ability to create a moral consensus. The button we were aiming to push (in planning civil disobedience) was that the government is morally weak. Morality is usually left to the churches but we all have a duty to be moral. The left needs to give a sense of morality to politics.' Morality is thus both a principle and an important strategic weapon.

All movements which make redistributive demands seek to portray their denial as immoral, but the TAC's objective has been far more ambitious - to create a 'moral consensus' behind its demands. This means that it is possible to win support among a variety of constituencies, including some,

which may be seen as hostile to redistribution, by using moral argument. The TAC approach makes it possible for a small movement with limited organisational power to compensate by appealing to a sense of compassion and fairness across many of the social barriers.

This has important implications. If morality is an integral part of how a social movement operates, it must become essential to all activity - from financial management and internal decision-making to the way in which campaigns are designed - since losing the moral high ground would be to lose one of the movement's reasons for existence. This means accepting constraints, which do not apply when morality is seen only as an occasional strategic device.

The TAC experience shows that the politics of the moral high ground can help win single-issue demands. It does not say the same about wider redistributive programmes. The moral high ground may, therefore, be available to social movements on a wide range of issues, as long as each is approached separately.

THINKING ALLIANCES

Allied to the politics of the moral high ground in the TAC's armoury is a stress on alliances. The TAC assumes that common ground can and should be found with those who differ. Secondly, it acknowledges that alliances - like morality - are rarely cost-free. Where it entails reaching out to those who have different interests or goals, the politics of alliances requires compromises. In the TAC's case, this is so even in the case of a like-minded ally such as Cosatu. Its unwillingness to support civil disobedience disappointed some in the TAC. Nevertheless, concessions were made to retain it as an ally.

There are alliances, which required adjustment on each side - such as that with the Catholic church, which is opposed to condoms, considered essential by TAC to curb the spread of HIV/AIDS. The TAC is also accused of refusing to work with other social movements because it fears their militancy. The TAC insists it is not afraid of militancy but believes that militant tactics and approach will not yield change.

TAC leadership approaches issues in a way

that can best be described as 'thinking alliances'. Indispensable to the planning of any campaign is considering where support can be sought from significant constituencies, including unlikely ones. Thus, one rationale behind the People's Health Campaign is the expectation that the middle class has a strong interest in health reform. Whether or not this is vindicated, it demonstrates an approach, which assumes that, without the support of key constituencies, a campaign will be pushed to the fringes of policy debate. Chances of success, therefore, depend on avoiding relegation to the margins by attracting the support of influential allies.

BEYOND RACE?

There was one stormy attempt to introduce racial division into the TAC, but it seems to have failed. The target was Heywood who insists that black members have enthusiastically supported him against the attacks. In not one of our interviews at all levels of TAC did race emerge as an issue, overtly, or in the code, which South Africans tend to use to express racial sentiments.

The TAC's experience does seem to show that people in a society with South Africa's history of racial division can co-operate across race barriers in search of a common interest in social equity.

This does not mean the TAC can afford not to take seriously a history of racial disadvantage, where whites whose access to formal education and other resources give them a dominant position. If that were allowed to continue unfettered, black frustration would be probable. TAC is aware of this. The TAC has not 'transcended' race, but it is managing it fairly effectively.

WHAT'S NEW?

Is TAC a model for 'new

social movements'? That depends on whether it can be seen as 'new' - or, indeed, a social movement. For, if it is, in the eyes of some, the most successful of these movements, it is also different to most others. Activists in other movements say the chief divide lies in its failure to make its campaign in a critique of government macroeconomic policy.

Its frequent use of the law is also seen as a difference. It is criticised because it 'seems to work within the corridors of power'. It is seen to rely too heavily on 'a bureaucracy of full-time personnel who could become the decision-makers' and to distance itself from other social movements 'They seem to see us as wild troublemakers - they need to recognise that we could work together', said one militant.

But the difference may be more fundamental than differing attitudes and positions - it may lie in the reality that TAC, unlike many other movements, engages with the post-apartheid system and accepts that rights can be won within it. To use the law implies that it is not inherently biased against the poor and can offer them gains. To lobby politicians implies that those who demand equity can find allies in mainstream politics. To help the 'roll-out', albeit in a way which may require confrontation, implies that the government can, with prodding, meet the needs of poor people living with HIV/AIDS.

Many social movement intellectuals would, however, be more inclined to take an opposing view. But defining social movements by how radical they are seen to be is arbitrary. If TAC were a social movement because it seeks to change the distribution of resources in society, most of civil society would be included. If social movements are distinguished by something other than their reliance on mobilisation, the distinction must lie in something more fundamental than the details of their demands.

The TAC seeks to engage with the state without taking it over and employs the methods of civil society engagement - lobbying and coalition building, public protest and legal action: organisations which mobilise people are firmly within civil society if they also engage with the state to win concessions. Nor is civil disobedience incompatible with operating in civil society: openly and non-violently breaking the law to

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draw public attention to a perceived injustice is compatible with the loyalty to the state and willingness to respect its rules associated with civil society.

Much more is at stake than definitions. The stress on 'new' social movements assumes that 'classic' democratic modes of engagement with the state cannot deliver gains for the poor, and that something new is needed. But if the most successful of the 'new' movements is not 'new', then TAC demonstrates that mobilising in the traditional way in civil society can yield real gains for the poor and marginalised and that no new approach is needed.

The lesson of TAC's experience, then, is that it remains possible to use the rights guaranteed and institutions created by liberal democracy to win advances for the poor and weak. The claim that a new form of action is needed is not vindicated by TAC's record.

But this too must be qualified. TAC's experience has much to teach about how social movements or civil society organisations can win single-issue battles. It cannot point to strategies for more fundamental change because that has not yet been its goal. Whether this approach can win the sustained policy changes and programmes which will enable the poor and marginalised to claim their place as full citizens remains untested.

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Friedman is a senior research fellow and Mottiar is a researcher at the Centre for Policy Studies (CPS). This is an edited version of a case study prepared for the UKZN project entitled: 'Globalisation, Marginalisation and the New Social Movements in post-Apartheid SA'. The case study is an abbreviated version of 'A Rewarding Engagement? The Treatment Action Campaign and the Politics of HIV/AIDS' which can be consulted on the website of the Centre for Civil Society, University of KwaZulu-Natal.