

# State-civil society

## in Post-apartheid South Africa

*Government sees its relationship with civil society differently from the days of apartheid. Is that the case? Adam Habib analyses the relationship before and after apartheid and explores how civil society has redefined itself in the face of democratisation and globalisation.*

**T**he basic twin expectations of government are that NGOs will firstly, continue to act as monitors of the public good and safeguard the interests of the disadvantaged sections of society. This performance of this social watch role requires both transparency and accountability on the part of NGOs. The government's second expectation is that NGOs will assist in expanding access to social and economic services that create jobs and eradicate poverty among the poorest of the poor. This requires cost effective and sustainable service delivery.' (Zola Skweyiya, quoted in Barnard and Terreblanche 2001:17)

*'For many of the activists... working in different spaces and having different strategies and tactics, there was a binding thread. There was unmitigated opposition to the economic policies adopted by the ANC... Activists spoke of how the right-wing economic policies lead to widespread and escalating unemployment, with concomitant water and electricity cut-offs, and evictions even from the "toilets in the veld" provided by the government in the place of houses. More importantly, there was general agreement that this*

*was not just a question of short-term pain for long-term gain. The ANC had become a party of neo-liberalism. The strategy to win the ANC to a left project was a dead end. The ANC had to be challenged and a movement built to render its policies unworkable. It seems increasingly unlikely that open confrontation with the repressive power of the post-apartheid state can be avoided.'* (Ashwin Desai, 2002:147)

Two quotations – two very different visions of post-apartheid state-civil society relations by two individuals from very different institutional settings. The first is a cabinet minister responsible for the Department of Social Development. The second is a civil society activist, one among many leaders in the new and emerging civic struggles who are challenging local governments in their imposition of a cost-recovery paradigm to the provision of social services. Which vision is appropriate for the conditions of post-apartheid South Africa?

There are two distinct phases in the evolution of contemporary civil society in South Africa which have largely been influenced and moulded by the political transition. They are intrinsically linked

to the evolution of the political system. The first, which had its roots in the early 1980s, has been termed the liberalisation phase while the second, from 1994 onwards, has been seen as the democratisation phase of the transition. Prior to liberalisation in the early 1980s, the dominant elements in civil society were organisations and institutions that were either pro-apartheid and/or pro-business. Agencies critical of the state and the socio-economic system were either actively suppressed or marginalised from the formal political process.

The major political contest within civil society seemed to be between pro-apartheid institutions like the Broederbond and NG Kerk and liberal oriented pro-business organisations like the Institute of Race Relations and the National Union of South African Students (Nusas). To be sure, as the 1970s approached anti-apartheid NGOs like the unions and the array of organisations associated with the Black Consciousness Movement (BCM) began to make their presence felt. (Marx, 1992) But constant harassment from the state and miniscule resources ensured that they really served as a sideshow to the more formal contest

# relations

and engagement within civil society and between it and the state.

This all changed in the 1980s. The anti-apartheid elements within civil society resurfaced and within a few years became the dominant element within the sector. Two developments underpinned this growth in anti-apartheid civil society organisations. The first was the liberalisation of the political system unleashed by the PW Botha regime in the early 1980s. This reform process enabled the re-emergence of anti-apartheid civil society. A significant component of this process led to the recognition and legalisation of independent black unions and the establishment of a political space for anti-apartheid civil organisations. Moreover, the state provided the rationale for mobilising this sector by proposing a reform that attempted to co-opt some, and marginalise other, elements of the black community. Anti-apartheid civil society was thus enabled by and provided the rationale for mobilisation by the state's liberalisation initiative.

To be sure, this entire scenario was not positive. In fact, very soon into the reform programme the state began to actively repress elements within the anti-apartheid camp. But despite this repression, which became quite severe under the state of emergency, the anti-apartheid civil society retained its popular legitimacy. By the 1990s the anti-apartheid camp had become the dominant element in the civil society sphere. The second development facilitating the re-emergence of anti-

apartheid civil society was the increasing availability of resources to non-profit actors in South Africa.

Civil society in the democratic era Regime change can have significant impacts on society. And, this is all the more so if it occurs in an era of globalisation. Nowhere is this more evident than in South Africa where the transition to democracy and globalisation has fundamentally transformed the society. In the process civil society has itself been remoulded in significant ways, the effects of which are only now becoming evident. Nine years after the transition the most obvious outcome of the remoulding process is the evolution of civil society into three distinct blocs, each of which is a product, to different degrees, of separate transitional processes.

The first bloc, which comprises formal NGOs, has largely been influenced by the political restructuring which the democratic state undertook in order to create an enabling environment for civil society. Initiatives included the passing of legislation – the Non-Profit Act – which officially recognised civil society. It created a system of voluntary registration for its constituents and provided benefits and allowances in exchange for NGOs and CBOs undertaking proper accounting and providing audited statements to government. A Directorate for Non-Profit Organisations was established in the Department of Social Welfare to coordinate the above processes. In an attempt to create an enabling

environment for civil society, the state expressed its willingness to partner with NGOs in the policy development and service delivery arenas.

This opened up a whole new avenue of operations for NGOs and fundamentally transformed their relations with the state. A further initiative was ensuring financial sustainability of the sector. This was in part forced onto the state very early on in the transition, as NGOs confronted a financial crunch when foreign donors redirected their funding away from civil society organisations (CSOs) to the state. Again legislation was passed and institutions were established to facilitate a flow of resources to the sector. The effect of these legislative changes and restructuring has been the establishment of a fiscal, legal, and political environment that has facilitated the development of a collaborative relationship between the state and formal NGOs. The latter have increasingly been contracted by the state to assist it in policy development, implementation and service delivery. This has been encouraged by donors who sometimes fund such partnerships, and who regularly advocate the professionalisation and commercialisation of NGOs. The positive result of this is that it has facilitated the financial sustainability of a number of these organisations. But it has come at a cost. The commercialisation and professionalisation has blurred the non-profit/profit divide, and has led to questions around the lines of

accountability of these organisations.

The second and third blocs are largely products of processes associated with globalisation and its particular manifestation in South Africa. South Africa's democratic transition, like many the 'Third Wave of democracies', (Huntington, 1991) has been characterised by two distinct transitional processes, political democratisation and economic

compromised the state's poverty alleviation and development programmes.

State officials often claim credit for having met the targets of the RDP especially in the areas of water, sanitation, telephony and electricity. But the most comprehensive independent study in this regard estimates that there have been approximately ten million cut offs in water and electricity services

Padayachee, 2000:24)

*Responding to poverty and inequality*

In order to respond to this challenge, civil society has been reconstituted in two very distinct ways. The first involves the proliferation of informal, survivalist, community-based organisations, networks and associations, which enable poor and marginalised communities to simply survive against the daily ravages of neo-liberalism.

These associations, according to the recently published study of the Johns Hopkins survey on the shape and size of civil society in South Africa, comprise 53% of 98 920 non-profit organisations and thereby constitute the largest category of institutional formations within the sector. (Swilling and Russel, 2002) These informal community-based networks are survivalist responses of poor and marginalised people who have had no alternative in the face of a retreating state that refuses to meet its socio-economic obligations to its citizenry. Anecdotal evidence suggests that these 'informal, community-based networks are on the rise, particularly in the struggle to deal with the ever-increasing repercussions of the government's failure to address the HIV/AIDS and unemployment crises.' (Habib, 2002:viii)

The second bloc that has emerged within civil society in response to the effects of neo-liberalism is a category of organisations that have been described by some studies as social movements. (Desai, 2000) This category is a made up of a diverse set of organisations, not all of whom actually meet the criteria of social movements. Some of them, like the TAC are more nationally based associations, and in this case focus on challenging the state's AIDS policy and enabling the provision of anti-retroviral drugs to AIDS sufferers. Others like the Soweto Electricity Crisis Committee

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liberalisation. The goal of the former is representative government. The latter has as its aim the integration of South Africa into the global economy.

This process has largely been informed by particular economic policies promoted by multi-national corporations and the domestic business community. Most analysts across the ideological spectrum recognise the neo-liberal character of the post-apartheid government's economic trajectory. And the effects of this neo-liberalism – read as the liberalisation of the financial and trade markets, the deregulation of the economy, and the privatisation of state assets – have been largely negative.

Even by its own terms, the government's macro economic policies, codified in its programme the 'Growth, Employment and Redistribution Strategy' (Gear), have not done very well. The net achievement of this programme has been the realisation of the state's deficit targets, but at the cost of employment, poverty and inequality. Massive job losses have occurred in almost all sectors of the economy. Tighter fiscal constraints have

because people have not paid their bills, and a further two million people have been victims of rates and rent evictions. (McDonald and Pape, 2002) Moreover, a number of other studies have shown that poverty and inequality has increased in real and measurable ways. For example, Carter and May, in a study of approximately 1 200 black households in KwaZulu-Natal, demonstrated that poverty rates increased from 27 to 43% between 1993 and 1998 (2000). Economic liberalisation has benefited the upper classes of all racial groups, and in particular, the black political, economic and professional elites who are the primary beneficiaries of affirmative action policies and black economic empowerment deals. As Habib and Padayachee have argued, 'the ANC's implementation of neo-liberal economic policies has meant disaster for the vast majority of South Africa's poor. Increasing unemployment and economic inequalities associated with neo-liberal policies have also pushed even more of South Africa's population into the poverty trap.' (Habib and



(SECC) and the Concerned Citizens Group (CCG), are located at the local level, and in these cases organise against electricity cut-offs in Soweto and rates evictions and water terminations in Chatsworth and surrounding townships in Durban respectively. Nevertheless, when compared to the above category of associations, both of these types of organisations are more formal community-based structures, which have a distinct leadership and membership, often supported by a middle class activist base. Moreover

their mode of operations is fundamentally different. They are not survivalist agencies, but are more political animals. Indeed, they have been largely established with the explicit political aim of organising and mobilising the poor and marginalised, and contesting and/or engaging the state and other social actors around the implementation of neo-liberal social policies. As a result they implicitly launch a fundamental challenge to the prevailing status quo.

These two very different blocs within civil society, which have

emerged in response to globalisation's neo-liberal manifestation in South Africa, have very different relations with the state. The informal organisations and associations have no relationship with the state. They receive neither resources, nor do they covet recognition, from the state. They are preoccupied with the task of simply surviving the effects of the state's policies. Indeed, it is doubtful whether the majority of these associations even recognise that the plight of the communities they located in is largely a result of the policy

choices of political elites. The second bloc of more formal organisations whose activists covet the status of social movements, have an explicit relationship with the state. This relationship, depending on the organisation and the issue area, hovers somewhere in between adversarialism and engagement, and sometimes involves both. (Bond, 2001; Desai, 2002)

But even when engaging the state, this is of a qualitatively different kind to that of the formal NGOs. The latter has a relationship with the state that is largely defined by its sub-contractual role, whereas the former is on a relatively more even footing, engaging the state in an attempt to persuade it through lobbying, court action, and even outright resistance. The reconstitution of civil society in response to globalisation and neo-liberalism, then, has led to the evolution of a plurality of relationships between civil society and the post-apartheid state.

A plurality of relations: Marginalisation, engagement, and adversarialism

Civil society's response in South Africa to the effects and challenges of democratisation and globalisation has been similar to that of the Third Sector in other parts of the world

Of course, these distinctions within civil society are not as stark and rigid as they are depicted here. In the real world, there are many organisations that straddle the divide and blur the boundaries between one or more of these blocs. Some organisations, like the TAC, display adversarial relations with the state on one issue and more collegiate relations on another. Other organisations, like the Homeless Peoples Federation (HPF), challenge and oppose some state institutions but have established partnerships with others. What is important to remember of the

contemporary era is that democratisation and globalisation have facilitated the reassertion of the plural character of civil society and undermined the homogenous effects that the anti-apartheid struggle had on this sector.

These diverse roles and functions undertaken by different elements of civil society collectively creates the adversarial and collaborative relationships (the push and pull effects), which sometimes assist and other times compel the state to meet its obligations and responsibilities to its citizenry. The plurality of civil society and the diverse sets of relations that it engenders with the state is thus the best guarantee for the consolidation of democracy in South Africa.

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