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Masters Research Report

Topic

Backlash against Neo-liberalism and globalisation? Examining the New Social Movements in South Africa

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Acronyms

Acquired Immune Deficiency Syndrome (AIDS)

African National Congress (ANC)

African National Congress Youth League (ANCYL)

Anti Eviction Campaign (AEC)

Anti Privatisation Forum (APF)

Azidothymidine (AZT)

Black Consciousness Movement (BCM)

Black People's Convention (BCP)

Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (CEPPAWAWU)

Civic Association of the Southern Transvaal (CAST)

Civil Society Organisations (CSO)

Concerned Citizens Forum (CCF)

Congress for South African non Racial Civic Organisations Movement (COSNSCOM)

Congress of South African Trade Unions (COSATU)

Convention for a Democratic South Africa (CODESA)

Democratic Alliance (DA)

Durban Social Forum (DSF)

European Union (EU)

Extreme Drug Resistant Tuberculosis (XDR-TB)

Global Civil Society (GCS)

Growth Employment and Redistribution (GEAR)

Human Immunodeficiency Virus (HIV)

Inkatha Freedom Party (IFP)

International Monetary Fund (IMF)

Landless People's Movement (LPM)

Medical Control Council (MCC)

Medical Research Council (MRC)

Movimento does Trabal harados Rerais Sem Terra (MST)

National Association of Residents Civic Organisation (NARCO)

National Development Agency (NDA)

National Executive Committee (NEC)

National Governing Committee (NGC)

National Interim Civics Committee (NICC)

National Land Committee (NLC)

New Social Movements (NSM)

Non Governmental Organisation (NGO)

Palestine Solidarity Committee (PSC)

Pan Africanist Congress (PAC)

Port Elizabeth Black Civics Organisations (PEBCO)

Reconstruction and Development Program (RDP)

South African Clothing and Textile Worker's Union (SACTWU)

South African Communist Party (SACP)

South African Developing Community (SADC)

South African Human Rights Commission (SAHRC)

South African National Civics Organisation (SANCO)

South African Non Governmental Organisations (SANGOCO)

South African Police Services (SAPS)

South Western Townships (SOWETO)

Soweto Civics Association (SCA)

Soweto Electricity Crisis Committee (SECC)

Structural Adjustment Program (SAP)

Student Representative Council (SRC)

Trade-Related Intellectual Property Rights (TRIP)

Transvaal Agricultural Union (TAU)

Treatment Action Campaign (TAC)

United Democratic Front (UDF)

United Nations Children's Fund

United States Trade Representative (USTR)

World Conference Against Racism, Racial Discrimination and Xenophobia (WCAR)

World Economic Forum (WEF)

World Health Organisation (WHO)

World Social Forum (WSF)

World Summit on Sustainable Development (WSSD)

World Trade Organisation (WTO)

Chapter 1 Introduction

Korten, Perlas and Shiva argue that Global civil society emerged as a major social force in the final decade of the Second Millennium to resist an assault on life and democracy by the institutions of corporate globalization. 'Initially, the resistance centered on the World Bank, the International Monetary Fund (IMF), and the World Trade Organization (WTO) as the most visible and powerful of the institutional instruments advancing the neo-liberal policy agenda of deregulation, the elimination of economic borders and social safety nets, and the privatization of common property assets. Subsequently, global civil society directed attention to global corporations and financial markets' (Korten, Perlas and Shiva, 2004). The question that often arises is what is the relationship between neo-liberalism and globalisation, why are the two always jointly and equally condemned by the global civil society? Karl Muller argues that there are three dogmas of neo-liberalism: "Deregulation, competition and cost cutting, plus in addition the destruction of a state which is focused on the common good, and the destruction of its public functions; replaced by a focus on profit in all fields of life" (Muller, 2007, pg 1). Globalisation on the other hand facilitates this by destroying the economic boarders thus presenting economic vulnerabilities in the world developing economies.

Globalisation is the growing interconnectedness in political, social, cultural and economical spheres. The interstate connection that globalisation has created allows easy flow of information, free flow of goods and services and import and exportation of human resources amongst many. Furthermore 'Global capital has made claims on national states, which in their turn have responded by producing new forms of legality that negotiate between national sovereignty and transnational corporate economic actors' (Tzaliki, 2003). These legalities are primarily facilitated and administered by two main international institutions, the International Monetary Fund, the lender of last resort and the World Bank, initially called the International Bank for Reconstruction and Development, concentrated on repairing economies ravaged by war. Developing countries are often compelled to make drastic reforms in their social spending and economics. Stringent aid conditionalities are often suggested by these institutions to the

developing communities e.g. to remove protective barriers to free trade such as the protective tariffs, import quotas, non -tariff barriers and exports subsidies. They argue that these reduce the wealth of nations-states and they prevent the free flow of goods and services hence impeding the repayment of debts by the developing states. Developing nations have been arguing in vain that these protective measures are important because they protect their economies from economic exploitation i.e. prevent the influx of subsidized goods from the developed economies, especially agricultural goods which affect the prices of goods in developing economies, eventually leading to closure of factories.

However one cannot give a blanket condemnation to globalisation. Just as the corporate and political elites are reaching across national borders to further their agendas, people at the grassroots are connecting their struggles around the world to impose their needs and interests on the global economy. Globalisation from above is generating a worldwide movement of resistance (Brecher, Castello and Smith, 200, pg10). Cyberactivism, for an example, has become the primary means to provide social movements with the tools of information and technology to organize, while also serving as a conduit to mobilize and coordinate opinions and action (as in the case of the 1999 Seattle anti-WTO movement and related anti-globalization protests) (Tzaliki, 2003). The use of internet, what Tzaliki calls the 'electronic citizenship' or 'cyberactivism' is the product of globalisation and it has been very useful in the struggle against global economic exploitation of the poor. The global North, continue to lobby on behalf of the poverty stricken Global South using these new means of mobilisation i.e. internet, television, mobile phones etc. Globalisation of social struggles promotes the agenda of the Global South at different platforms internationally. Kaldor, Anheier and Glasius argue that there are no absolute rejecters of globalisation or supporters of globalisation, indeed we should not absolutely reject globalisation. They argue that we need globalisation reformers, these are the people usually identified as making up 'Global Civil Society'. They support interconnectedness and the construction of global governance as a way of benefiting the many rather than the few. They support the extension of international law, especially relating to human rights, for example, but may favour constraints on the movement of

capital' (Kaldor, Anheier and Glasius, 2004, pg 2). Many global civil organisations belong to this category, those who support globalisation and condemn economic globalisation, however this is not clearly stated at different platforms where anti-globalisation/anti neo-liberalism demonstrations take place.

Globalisation removes all limits and necessary economic protection which paves the way for neo-liberalism, a system which encourages minimal interference by the government in the economy in order to promote economical development. The policy recommendations by the developed nations and World Financial Institutions known as the Washington Consensus suggested a plethora of global economic policies, which have since been interpreted as neo-liberal. Washington Consensus is a term which was originally coined by John Williamson in 1987-1988. Washington Consensus refers to economic policies adopted by Washington based institutions, IMF, World bank and US Treasurer, as key to the development of the developing economies. The Washington Consensus recommended: Making the private sector the primary engine of economic growth, maintaining a low rate of inflation and price stability, shrinking the size of state bureaucracy, maintaining a balanced budget, elimination and lowering tariffs on imported goods, removing restrictions on foreign investment, getting rid of quotas and domestic monopolies, increasing exports, privatizing state-owned industries, deregulating capital markets, making its currency convertible and opening industries, stock bond markets to direct foreign ownership and investment (Stephan, Power, Harvey and Fonseca, 2006, pg228). Many argue that the problems with these economic policy recommendations is that they do not take into consideration different economic challenges faced by different countries, they are one size fit all economic policy recommendation, a Golden Straight Jacket according to Thomas Friedman. Joseph Stiglitz former chief economist of the World Bank blames the market fundamentalism that endorses the view that a free market solves all problems flawlessly. His argument is that one size fits all economic policies damage rather than help countries with unique financial governmental and social institutions (Stiglitz, 2003, pg27).

Many argue therefore that in order to appease the international game board, attract international finance and acceptance into the global economy South Africa adopted Growth Employment and Redistribution (GEAR). GEAR was an unvarnished free-market program directly in line with the neo-liberal agenda, or what is known as the Washington Consensus (Sparks, 2003, pg193). GEAR recommended moving towards a liberal policy of open markets, a balanced budget and privatisation. South Africa was convinced it had to liberalise in terms of the Washington Consensus in order to attract the Foreign Direct Investment (FDI). GEAR predicted increased FDI flows, a growth rate of at least five percent and huge gains in no-farm jobs. Exactly the opposite occurred, no FDI to speak of, low growth and sever job losses (Stephan, et al, 2006, pg 254). All this had serious implications in the South African economy and invited a variety of backlash from various quarters of the society. South Africa has therefore found itself in a predicament 'between globalisation and social democracy' (Carmody, 2006, pg 261). Although GEAR has been able to drop apartheid international debt, brought down inflation between three and six percent and the Reserve Bank dropped the interest rates, it has failed to address the question of unemployment and under employment. Furthermore Washington Consensus recommends less government control in economy, in that situation unemployment and under employment can never be completely eradicated. Furthermore the Washington Consensus recommends that the government shrinks government bureaucracy and privatise the state owned industries. The current socio economic imbalances in South Africa indicate the opposite, added to that is that privatisation will also add to the high level of unemployment.

The Washington Consensus has as a result invited various forms of backlash from the Global Civil Society (GCS). The Global Civil Society's activities are led and directed from the Global North to the displeasure of most Global South activists, who continue to feel alienated by this arrangement. Becker argues that 'the social forum process originated in the global south and we've taken our leadership cues from the rest of the world' (Becker, 2007). The argument that is put forward is that the Global South is the bastion of all civil socioeconomic and political struggles and yet the agenda on how to address these challenges is dictated by the Global North. The Global North responded by

saying that because of the Global North's proximity to the capitals of global oppressions i.e. World Bank and International Monetary Fund (IMF), most arrangements and activities which dominate the Global Civil Society will have to be inevitably directed by and from the Global North. They cite the success of the Seattle protest which forced the cancellation of the WTO meeting in 1999. The battle of Seattle will, in all probability, be seen as a turning point in the history of the Global Civil Society of the 21st century. At the last major, international meeting of the millennium, and in a city that, better than any other, epitomised 'corporate control', the underdogs took on those who met to plan the progress of globalisation, and they won (Alexander, 2001, pg 1). The political science literature and above paragraphs repeatedly refer to the world as Global South and North, who are they? The use of the term "South" refers to developing countries collectively, it has been part of the shorthand of international relations since the 1970s. 'It rests on the fact that all of the world's industrially developed countries (with the exception of Australia and New Zealand) lie to the north of its developing countries'(UNDP, 2001, pg 1).

Although the Global Civil Society has tended to concentrate on struggles against neo-liberalism and globalisation, they are also concerned about environmental issues, women rights, genocide, liberation of Palestine, debt cancellation and many other issues. Jubilee South, for an example, has been in the forefront in the struggle of debt cancellation by the developed countries, International Monetary Fund and the World Bank. The Global Civil Society argues that it is unfair for the poor nations to continue paying exorbitant interest on the debts which never benefited the masses but few ruling elite and corrupt governments. Hertz argues against the repayment of apartheid debt by South Africa that "When the IMF lent to South Africa in 1976 just months after the Soweto uprising, it should have presumed that by doing so it was helping to prop up a regime known to be cruelly suppressing dissent and perpetrating crimes against humanity" (Hertz, 2004, pg 201). Jubilee South has therefore responded to this challenge by organising international campaigns to cancel the debt. These campaigns many argue culminated in the G8 meeting in Scotland in June 2005 announcing the cancellation of the debt owed to the

World Bank, International Monetary Fund and African Development Bank by 18 heavily indebted countries.

After the first democratic elections in 1994 most Social Movements (SM) in South Africa opted for a non adversarial role against their new democratic government. This is because most Social Movements before 1994 were part of the mass democratic movement. In Africa the trend has been that, once government consolidates power it also starts clamping down on dissent e.g. Zimbabwe. Ronning argues that this is situation is because of the potential unforeseeable civil backlashes emanating from an organised civic structure. Secondly donors in developing countries prefer to deal with NGOs rather than governments who are seen to be corrupt. Indeed after 1994 most civics in South Africa were moving from 'being vehicles of protest to development agencies' (Commonwealth Report, pg56). However unlike in most African countries were competition for donor funding has often created animosity within the civil society, South African government wisely dealt with this possibility. Public funding agencies such as the National Development Agency (NDA) were established to direct financial resources to the sector, and most importantly government enabled the sub-contracting of development services to a number of civil society actors, thereby entrenching the collegiate logic of state-civil society relations during the immediate post-apartheid phase (Ballard, et al, 2006, pg 2). The South African government became a 'wholesale fundraiser/recipient' internationally and the funds were pumped into the 'corporatist institution' NDA in order to facilitate the new role assumed by the civil society in the new South Africa. However South Africa lacked a vibrant Civic Society Organisations (CSO) or social movements following the co-option of South African National Civics Organisation (SANCO) into the tripartite alliance and it assuming governing role in the local governing structures.

SANCO was formed in 1992. The intention was to establish an umbrella body of civics to facilitate the activities of the national civic organisations. 'When leading United Democratic Front (UDF) activists and civic leaders met in Bloemfontein in May 1991 to discuss the formation of a national civic, rumors spread that the creation of this civic

structure, which promised to be independent of the ANC, would effectively take masses of UDF supporters away from the ANC' (Zuern, 2006, pg 6). This debate continued long after the 1994 elections. However these fears were temporarily allayed when Pat Lephunya a Soweto civic leader suggested that, 'the civics could define themselves as an autonomous, non-party political movement in civil society' (Zuern, 2005, pg 183). Nonetheless, considerable suspicion concerning the role of civics remained, 'as it became increasingly clear that an academic understanding of civil society as outside of political society would be impossible to follow in practice' (Zuern 2005, pg 12). Consequently the ANC started cajoling SANCO and when Nelson Mandela came to power he appointed certain members of SANCO, Mlungisi Ngubane and Moses Mayekiso were appointed to parliament as members of parliament. Whether this was the way to weaken SANCO or just a political gesture acknowledging SANCO's role in the struggle is the question which remains to be answered. However suffice to say that the cooption of certain leaders of SANCO to the government had a negative effects on SANCO. Zuern argues that since 1994, SANCO has lost many of its leaders to government this has led the National General Council to reverse its earlier policy of allowing individuals to remain in their leadership positions in SANCO while also accepting government roles. Furthermore Zuern continues to argue that this policy was bound to fail from the start. 'How will a SANCO leader, who also holds the position of councilor, conduct himself if he is called on to lead a march of residents against the local authority? Who will he lead the march against himself?'(Zuern, 2004 pg 186). Many SANCO's dissidents have blamed the ANC's over involvement and obsession with SANCO for its current state of affairs. However the bulk of the blame for SANCO's current state must be attributed to its own myopia and careerism by its leadership. Gumede argues that ' by 1997, Mbeki had the key SANCO leaders in his pocket' (Gumede, 2005, pg 276). These leaders were promised government positions and they were used by the ANC to purge all possible opposition to the ANC within SANCO. The main opponents to the dominance of the ANC in SANCO affairs came mainly from former President Moses Mayekiso and Mzwanele Mayekiso. This courting occurs at the very critical time in the transitional period of South Africa. It happened when South Africa was trying to convince the world that it was ready to lead in economics and politics in Africa. Chapter one of this report will examine SANCO and investigate closely the reasons which led to its demise and the link between that and the emergence of the social movements.

Unlike in many other transitional societies where the political honeymoon tended to drag on for decades, new social struggles in South Africa emerged surprisingly quickly (Ballard, et al , 2006, pg 2). The first backlash against government policies came soon after Mandela assumed power but Mbeki's term in office saw 'overlapping but distinct types of struggles' emerging. Ballard, et al argues that these struggles emerged as the result of government's adoption of certain socio economic policies like Growth Employment and Redistribution (GEAR) as the macro economic policy. These organisations argue that the liberalisation of the markets as a result of GEAR has led to retrenchment of people especially in the textile industry. According to the general secretary of the South African Clothing and Textile Workers Union Ebrahim Patel, more than a thousand jobs were still being lost every month in the clothing, textile, and the leather industries in the first six months of 2003 (Desai, 2004). Furthermore 'struggles emerged to directly challenge the local enforcement of government's policies and to resist government's attempt at repression' (Ballard, et al , 2006, pg2).

There have been accusations against the NSM's of being elitist, not representative and not reflecting popular discontent. In his argument against the formation of Soweto Electricity Crisis Committee (SECC) Tankiso of the ANC Pimville branch wrote in Umrabulo, the ANC publication, that SECC is an organisation which emerged 'out of vengeance'. That SECC 'blindly embark on unsustainable campaigns to settle personal vendetta against the ANC by manipulating unsuspecting members of the community' (Tankiso, 2003). Trevor Ngwane an expelled member of the African National Congress (ANC) now the leader of the SECC participated in the municipal elections of 2005 as the Operation Khanyisa Movement candidate for Pimville Branch 22. Tankiso's argument however cannot be applied to the activism of the TAC. Zackie Achmat of the TAC continues to be a member of the ANC and has to many not shown signs of bitterness. The financial Mail named Achmat as their Politician of the Decade in their special supplement to commemorate ten years of democracy in April 2004. And he was nominated for the Nobel Peace Price a year later (Calland, 2006, pg 251).

The year 2001 is regarded as the year which launched the new social activism in South Africa. The United Nations World Conference on Racism, Racial Discrimination and Xenophobia and the World Summit on Sustainable Development which were held in Durban in August 2001 and in Johannesburg in September 2002 respectively, are regarded by many as the two main events which re-launched the new civil activism in South Africa. Desai in his book *We are the Poors* argues that within South Africa, the conferences had a very different significance. He argues that to some outside observers they might have confirmed the symbolic role of the ANC in global struggles against oppression, but for the oppressed in South Africa 'it was an opportunity to create the first radical national organ of the left since 1994' (Desai,2006, pg 233). Prior to the conference Durban Social Forum was established to plan for the activities of the social movements outside the conference. Desai further argues that the name Durban Social Forum 'gestured respectfully and militantly towards the Genoa Social Forum which, only months before, had presided over the biggest anti capitalist demonstrations Europe had seen, perhaps, since 1968, Durban community wanted to be part of this broad movement' (Desai, 2006, pg 124). The essential context of the World Social Forum's emergence is the international movement against neo-liberal globalization and the rise of international bodies of global governance (Schonleiter, 2003, pg 127). World Social Forum is an alternative platform to the World Economic Forum an annual event of the rich and key decision makers of the world. The intermingling at the World Social Forum is used as international solidarity platform of the new left. Anti Privatisation Forum (APF) regards itself as part of a global anti-globalization movement fighting against the dominant discourse and practice of neo-liberalism (Buhlungu, 2006, pg 83).

Globalisation and neo-liberal policies have often been cited as the main reasons for the emergence of the new social movement post 1994 in South Africa. However it is difficult to directly link these two issues to grassroots human sufferings. The purpose of this report is to understand the nature of the new social movement by looking at the proximate causes which triggered their various responses. Furthermore this report will interrogate the dominance and popularity of these proximate causes, are they serious enough to lead to an establishment of a movement. Understanding their seriousness will

help to answer the question of origins of these movements, whether these movements are products of certain few individuals or they represent popular views, whether these movements reflect popular discontent, represent a genuine alternative to the current government's policies, whether these movements are democratic in the manner in which they organise and whether they are truly grassroots movements and not elite driven movements by a group of academics and disgruntled former activists. This report will examine activities of the Treatment Action Campaign (TAC) and the Landless People's Movement (LPM) to answer this question.

This report will be a qualitative report in nature it will use overviews and historical backgrounds from secondary literature and media reports. It will conduct elite interviews with certain leaders of the National Social Movements (NSM). It will identify these interviewees from the use of literature on the NSM and historical literature. It will seek to solicit the answers on the following questions from the interviewees: Did neo-liberal economics of the ANC create the crisis that led to the formation of the movements? What in particular within neo-liberalism led to the formation of each movement? There are accusations directed at the intellectuals within the various social movements that most of them are suffering from nostalgia of the 1980's political activism hence their involvement in the new social movements. Others within the ANC accuse the leadership in the new social movements of being bitter because they missed the ANC gravy train so their involvement in these social movements is their way of coming back to the mainstream politics. How true are these accusations and to what extent has the involvement of former activists and intellectuals in these social movements affected the outcomes of these movements?

There have been numerous publications on the reasons for the emergence of the NSMs. However less has been published on the proximate grass-root causes which triggered their emergence and the extent to which these proximate causes are the consequence of broader international trends. Furthermore the cooption of SANCO into the tripartite alliance has also featured prominently in many publications but few publications have linked that with the emergence of the NSM's. This report will investigate the link

between the cooption of SANCO into the tripartite and the emergence of the NSM's. This report will also look at the new competing roles of SANCO and NSM's. It will also look initial at commonalities and later at the origins of the conflict between the government and the TAC. This report hope that the information gathered from the exploration of these issues will contribute positively in the current debate on NSM's The first chapter will investigate the extent to which the involvement of SANCO in the local governing structures and its close alliance to the ANC affected the civil society. Did this really create a vacuum in civic activism which necessitated a replacement? Chapter two of this report will analyse the macro economice policy of the South African government and investigate what various backlashes has it invited. Chapter three and four of this report will examine the case studies on the Treatment Action Campaign and the Landless People's Movement and investigate their grievances, what contributed to these grievances, and how these two movements have and still continue to address these grievances.

Chapter 2 South African National Civics Organisation (SANCO) and the end of civic activism post 1994

2.1 The historical background of SANCO

SANCO is a broad church organisation which bases its organizational model not on any explicit occupational, educational, income, gender or other identity but upon residential proximity. Before the formalization of the civics under the umbrella body called SANCO, South African civil society had various active players tackling socio-economical and political issues. In 1972 for an example South African Students Organisation (SASO) together with personalities from (rather conservative) African religious and educational bodies established the Black People's Convention (BCP)'. The BPC was affiliated to the Black Consciousness Movement which played an important role in the formation of the first civic structures i.e. Soweto Civic Association (SCA) and the Port Elizabeth Black Civic Organisation (PEBCO). PEBCO 'the organisation's very name which was not changed to PEPCO (Port Elizabeth People's Civic Organisation) until the late 1980's, demonstrates its affiliation with Black Consciousness philosophy' (Zuern, 2004, pg 4)

The Soweto branch of the Black People Convention called for the formation of a properly representative civic organisation reflecting popular aspirations in the township (Lodge, 1999 pg353). The task of the formation of the civic organisations was given to the committee which later became known as the Committee of Ten. The first steps to organise a Soweto Civic Association were taken in September 1979, two years after the Committee had been formed. The formation of Soweto Civic Association chaired by Dr Nthato Motlana, a prominent medical practitioner and a former African National Congress Youth League (ANCYL) activist before his first restriction order in the early 1950's, helped to motivate the formation of other civics organisation in different parts of South Africa. The SCA emerged 'in the last few years as an alternative to the Community Councils, the local bodies created by the state in 1977-8 to replace the discredited Bantu Council' (Lodge, 1990 pg 353). Other black townships who had similar experiences with the state sponsored Bantu Councils formed similar structures. Civics played a very important role during the period when most black political organisations where banned, they gave hope

to many people following the banning of the liberation movements. The struggle of the civic organisations was initially concentrated at the service delivery in the black townships, however political rhetoric dominated at their gatherings which often linked the local suffering to national apartheid policies.

Secondly the civic were against the Koornhof Bills and the state's new dispensation for urban African people. The Bills set up black municipal councils to run their own affairs and granted urban status to employed people in approved accommodations, meaning no shanties or leased rooms. Rent and service charges had become an issue because of the state's policy of making residents pay for the upgrading of their townships (Seekings, 2000, pg 121). Later in the 1980's following the regime's crackdown on the civics, the politicized street committees, which were loosely aligned to the civics, resumed an active role in the streets in the black townships. Although there was an ever present possibility that the townships could reach an explosive situation, the street committees helped to assert relative calm. The street committees had substantial number of young activists who presented serious challenges in the form of social disorder in the mid 1980's to the apartheid regime. It was the intervention of the elders from the street committees and the civics who brought sense to the young activists. The Parent's committees, which consisted of members of the street committees, for an example in their attempt to defuse tensions in the townships sent a memorandum to meet with the Deputy Minister of Education and Training in order to persuade the government to accept key student demands, especially for democratic Student Representative Councils (SRC) (Seekings, 2000, pg 125).

The formation of the UDF in 1983 was interpreted by many as the rebirth of the BPC albeit under the stewardship of the Charterists. Many argued that not since the collapse of BPC, was there a similar formation which included various players from the civil society representing diverse interests like the UDF. The UDF revived civic and political activism in the black townships. Later with its swelling political popularity played an important role in setting the national political agenda and political strategies. In 1991 the UDF helped form the National Interim Civics Committee (NICC), a precursor to

SANCO. This was prompted by the inevitability of disbandment following the un-banning of the liberation movements. It was during this time that the UDF presented to its National Working Council's conference a proposal seeking clarity whether the organisation should 'either disband altogether or be transformed into what was later to be called a developmental front' (Seekings, 2000, pg 275). Indeed, emergent civic sectoral leaders were amongst the most fervent opponents of the UDF's continuation in any form (Seeking, 2000, pg 278), for obvious reasons they did not want to compete with the UDF in a democratic South Africa. After lengthy discussions the UDF's national executive committee took a decision to disband. The last meeting was held on 14 August 1991 in Johannesburg, the agenda was short and the National Executive Committee's (NEC) last decision was to commission a book on the history of the UDF.

2.2 SANCO's Post 1994 political dilemma

Overall, however the UDF dissolved amidst ambiguity about civics' roles and at a time when civic organisation was generally weak (Seeking, 2000, pg 280). The UDF and civic leaders failed to 'lay out exactly how the civic structure as a whole, and individual civic branches in particular would relate to the ANC and the new government'(Zuern, 2004, pg 5). The UDF assumed that by lobbying for certain members of the civics to leadership of the new national civic structure it was going to permanently tranquilise the civics adversarial relationship with the ANC. The chairperson of the NICC Tembisile Bete who had been nominated but not appointed as a national civic co-ordinator in 1990 had clashed repeatedly with the regional UDF leadership regarding SANCO's future role in South African politics. There were indeed sharp personal and political animosities surrounding the formation of a national civic body (Seekings, pg 282). The existence of politically independent civics has always been of great concern to certain members within the mass democratic movement days leading to the disbandment of the UDF. The fact that the Charterists UDF was willing to transfer it assets to the civics was with the understanding that they (SANCO) were going to play a developmental role not an adversarial role relative to the ANC. This was the financial bait to buy their commitment. Nonetheless, the considerable suspicion concerning the role of civics remained, as it became increasingly clear that an academic understanding of civil society

as outside of political society would be impossible to follow in practice (Zuern, 2004, pg 6). The newly un-banned ANC was genuinely also concerned about the political independence of the civics. As such, the creation of a national civic body presented an uncomfortable challenge to the newly legalised ANC. The ANC was threatened by the new environment and it had to do all in its power to gain full control of socio-political spheres of the new South Africa. After much courting and cajoling the ANC managed to get consensus from SANCO and went to the 1994 elections having the support of SANCO. In 1994 Mandela was swift in his attempts to sanitise SANCO by appointing certain of its leaders to his Government of National Unity. SANCO suffered even more than COSATU and the SACP when leaders such as former president Moses Mayekiso were given government jobs after 1994 (Gumede, 2005, pg 274). Moses Mayekiso was appointed to the national parliament as the ordinary member of parliament.

2.2.1 Factionalism within SANCO

Two years after its launch, SANCO found itself in the same position as the UDF, they needed to redefine their role in the new South Africa. The normalisation of South African politics in 1994 saw many once formidable civic groups run out of steam (Gumede, 2005, pg 274). SANCO's greatest challenge post 1994 was how it should relate to the new government and what its role should be in the civil society henceforth. Pat Lephunya, Soweto civic leader at the time, described three options available to the civics (Zuern, 2001, pg 5). The first option was simply for local civics to fold or become ANC branches or ANC residents associations. Second, local civics could enter local government by effectively taking over administration of their communities. Third, the civics could define themselves as an autonomous, non-party-political movement in civil society (Collinge, 1991, pg 8). These proposals which were later tabled before the National Governing Council (NGC) of SANCO culminated into various factions within the leadership. Moses Mayekiso the first president of SANCO was quoted in 1997 as saying that 'SANCO will not work with the governing party however if its policies go against the interest of the community' (Zuern, 2004, pg 7). In 1996 Mlungisi Hlongwane who served in the executive led by Moses Mayekiso argued that if anyone 'wants to be an instant revolutionary these days and be involved in boycotts, SANCO is no longer a

home for you' (Zuern, 2004, pg 6). In a turn of events Moses Mayekiso the first president of SANCO and one of those who argued for no-partisan relationship with the government became the national Member of Parliament. Moses Mayekiso came from CAST (Civic Association of the Southern Transvaal), formed in September 1991. CAST was 'dominated by civic activists antipathetic to the UDF leadership' (Seekings, 2000, pg 271).

After 1994 because of various reasons including mismanagement, SANCO was desperately short of resources. By 1996, SANCO had also lost its last significant external donor support, leading the national office to cut it remaining two administrative staff members to six others had left earlier in the year (Mail and Guardian, 1996, pg10). In addressing the crisis of shortage of resources SANCO formed SANCO investment Holdings in 1995, Moses Mayekiso was appointed its first managing director. Moses Mayekiso resigned under a cloud of corruption following the missing millions in the SANCO wholly owned SANCO Investment Holdings. He formed a new national civic structure called the Congress for South African non Racial Civic Organisations Movement (Cosancom). This new structure was similar to that which was formed in 1998 by the Soweto branch chairman of SANCO, Ali Tleane called the National Association of Residents' Civic Organisations (NARCO). Tleane, like Mayekiso, 'loudly criticised SANCO leadership's muted response to the government's slow service delivery and conservative economic policies' (Gumede, 2005, pg 276). The exodus of strong leaders such as Ali Tleane, Moses Mayekiso and Mzwanele Mayekiso of the Alexandra Township Civic Association paved the way for the election of Mlungisi Hlongwane as the new President of SANCO. In late 1997, the leadership of the Transkei region broke away from the national body, citing SANCO's ties with the ANC as a major concern (Lodge, 1999, pg 90). However, after 1999 elections not even SANCO could contain the rising grassroots unhappiness the Mbeki-ites within the movement appealed to the ANC to take more seriously calls for greater grassroots involvement in policy-making (Gumede, 2005, pg286) In 1999, a number of SANCO regions in the Eastern Cape passed a vote of no-confidence in their provincial executive committee. The regions also agreed to oust all SANCO executives who simultaneously held political posts (*Daily*

Dispatch, 1999, pg3). SANCO became the 'playground of failed ANC politicians hoping to hitch a ride on the last coach of the gravy train, and a convenient arena in which the ANC alliance's power games were often played out' (Gumede, 2005, pg284).

2.2.2 GEAR and the disillusionment of SANCO

The civics movement of the 1980s was in many respects the most prominent and high-profile community-based component of black civil society. At the local level most regarded SANCO as the conduit which could ensure that their local concerns can receive attention they deserve. 'Civics give voice to the poor and historically marginalized they play a potentially critical role in deepening democracy' (Heller and Nhlokonkulu, 2001, pg 6). The ANC like most national liberation movements in Africa promised reconstruction and it also promised to address past socioeconomic inequalities. The Redistribution and Development Program (RDP) a South African macro economic policy, was intended to address these inequalities. Five years later in his last speech as the President of South Africa, Mandela barely mentioned the RDP. When it was mentioned it was no longer an existing living thing. It was now tellingly an "RDP of the soul" (Desai, 2004, pg1).

The failure to fulfill these promises elicited fury and disgruntlement. The RDP was replaced by a neo-liberal macro economic policy GEAR (Growth Employment and Redistribution Program), a homegrown Structural Adjustment Program. Delegates at the civics' national conference in 2000 railed bitterly against the newly adopted GEAR, and pushed through a motion ordering senior SANCO leaders to withdraw from government office (Gumede, 2005, pg276). Moses Mayekiso was recalled from the national parliament and Mlungisi Hlongwane was instructed to quit as the mayor of the Vaal Triangle. Furthermore protesting against GEAR, SANCO entered into An anti GEAR coalition with COSATU to oppose the Egoli 2002 privatisation process. The ANC was not pleased with this alliance and a rumour started circulating that the ANC's national executive committee would support Moses Mayekiso's new civic Cosancom (*Mail and Guardian, 2001, pg7)* indeed as intended this rumour dissuaded SANCO from the coalition. The ANC was clearly frustrated by SANCO's support for the growing anti

GEAR campaign championed not only by Congress of South African Trade Unions (COSATU) but also by new bodies such as the Anti Privatisation Forum (APF), which ANC leaders had collectively branded as 'ultra left'.

The 'pro-Mbekite' Mlungisi Hlongwane fearing isolation by the ANC managed to lobby major SANCO decision makers out of the coalition with COSATU, accusing the senior members of COSATU of using the privatisation as an excuse to challenge the leadership of the ANC. Hlongwane argued at the time that ' the tone had changed because we started realizing that the issues that COSATU was advancing were beginning to be much broader that just fighting against privatisation, but it was beginning to question the leadership of the ANC and the alliance'(Zuern, 2004, page 18). The opposition to GEAR mainly stems from its amenability to Structural Adjustment Policies (SAP). SAP's generally require countries to devalue their currencies against the major currencies especially the US Dollar; lift import and export restrictions; balance their budgets and not overspend; and remove price controls and state subsidies. The relaxation of economic protection programs and the coercion to implement SAP by the IMF, World Bank and other financial international institution opens up vulnerabilities of small economies, especially in the developing world.

At the local level however the repercussions of the SAP's surfaced when the government started privatizing government's institutions in charge of supplying basic services to the public. The privatisation of water and electricity embarrassed SANCO within the ruling alliance and moreover it was the former leaders of SANCO within the local municipalities who had to implement the privatisation. Privatisation of state apparatuses added more to the division within the already fragmented SANCO. Members felt that the ANC should have also consulted SANCO before adopting this policy. Early 2000, Mbeki and the ANC leadership were shocked to learn that a group of SANCO leaders were contemplating the formation of a political party to contest local government elections (Gumede, 2005, pg276). This move was seen as a direct backlash to the economics of the ruling ANC. SANCO's 2001 national conference was a heated affair, with Mbeki personally addressing the delegates. His conciliatory stance and humble

admission of government's shortcomings included the promise of future inclusion in policy making, and hinted at a more expansionist economic policy.

It is argued that South African democracy needs a strong opposition to the ruling ANC for its survival. The current political parties in parliament cannot play that role because of the historical baggage. The Inkatha Freedom Party and the DA lack political credibility because of their political past. Only a strong civil society could be able to challenge the political dominance of the ANC and install a sense of accountability especially in the local government structures. The inability of SANCO to effectively deal with the challenges post 1994 left a huge vacuum in this regard. Before the un-banning of the liberation movements the civics and the UDF (United Democratic Front) championed the struggles of the society, from lack of water supply to national liberation. SANCO which was meant to have continued with this struggle following the disbandment of the UDF failed to do so.

SANCO was certainly weakened by its alliance with the ruling ANC. Hlongwane in his presidential address at the Third National Conference of SANCO 'noted the need for SANCO to strengthen its relationship with the ANC, but now as an equal partner'(Zuern, 2004, pg 17). In 2002 Thabo Mbeki in his presidential address to the civic movement referred to SANCO 'as a full alliance partner, holding equal status with COSATU and the SACP' (Gumede, 2005 pg 279). The dream of being a 'revolutionary social movement' was compromised by such rhetoric. Furthermore this new political trajectory planted the seed of disunity within SANCO's constituency and leadership. This led to the national conference, the highest decision making body of SANCO, to call for the resignation of its President Mlungisi Hlongwane. Fighting for political survival Hlongwane pushed for a resolution which saw the inclusion of two senior ANC members in the national executive committee of SANCO. The inclusion of these members in the executive committee unfortunately served to further compromise chances of SANCO converting into a 'revolutionary social movement '. In 2006 President of SANCO Hlongwane did the unthinkable by suggesting that Thabo Mbeki should run as the president of South Africa for the third term. This statement invited widespread criticism from various quarters of

the society but more harsh criticism came from the ANCYL. The ANCYL has opposed the idea of the ANC president standing for a third term as the president of the ANC. They argue that this will create two tiers of power, one being the president of the republic and the other being the president of the ANC. The African National Congress (ANC) Youth League yesterday poured cold water on a proposal to amend SA's constitution and allow President Thabo Mbeki to serve a third term, becoming the latest body to dismiss the proposal by the South African National Civic Organisation (*Business Day, 2007, pg10*). Hlongwane in defense of his proposal argued that he made a proposal because he believes that the country needed to maintain capable people in leadership position. SANCO under the leadership of Hlogwane has and continues to lose credibility as a viable social movement. Its 'national's lack of financial viability and its close relationship to the ANC, led many local branches which continued to operate, to become increasingly critical of the national structure and its top-down approach' (Zuern, 2004, pg9) but most importantly its lack of political independence within the ruling alliance has crippled it. Unlike COSATU and SACP which continue to challenge sociopolitical and economic policies of the ANC, SANCO dances to the tune of the ANC.

SANCO's inability to challenge GEAR left a vacuum which gave birth to new actors in the civil society. In 2000 and 2001, SANCO did, however engage in a number of actions that directly challenged the core principles of the governments' macro-economic policy (Zuern, 2004, pg188). However their premature withdrawal from the campaign created more divisions in SANCO. Indeed some local SANCO leaders defied SANCO's call, which they first heard on radio 702, to withdraw their support for the anti-privatisation strike (Zuern, 2004, pg189). The withdrawal of SANCO from the campaign and 'COSATU's failure to provide leadership, consistent resistance to neo-liberalism and a coherent alternative to capitalism has left working class communities to fight water and electricity cuts and evictions on their own' (Buhlungu, 2006, pg75). Anti Privatisation Forum (APF) is as a result emerged as the dominating movement against anti privatisation. Many who joined this movement are former activists the commentators argue feels that injustices of apartheid are repeated in a different guise. Others, the

argument continues, many are simply nostalgic activists who are in search of a relevant struggle.

Whilst all this was happening people were losing patience on other government inabilities and lack of service delivery. The scourge of HIV and AIDS continued to affect many people in South Africa. South African government is seen to be dragging its feet in dealing with this challenge. The Treatment Action Campaign was formed in Cape Town to protest government's failure to tackle the challenges of this pandemic. Various smaller issue - based organisation joined forces and formed umbrella bodies like the Social Movement Indaba and the Concerned Citizens Forum from Durban. Although many organisations continue to operate independently from these bodies, coalitions are often formed on certain issues of mutual interest. The ANC reaction to the emergence of the new social movements has been but hostile at best. The president of the ANC, Thabo Mbeki, accused these movements of furthering foreign agendas in South Africa .

Chapter 3 The emergence of the new Social Movements in South Africa post 1994

3.1 Introduction

The ANC government managed to address many sociopolitical and economical issues but it is still trailing in addressing many other issues particularly unemployment, HIV/AIDS and poverty. The ANC led municipalities are awash with corrupt and incompetent public officials who are failing in addressing the daily needs of the community and in rectifying past injustices. This inability to deal efficiently with socioeconomic and political urgencies and the failure to meet political promises made before the first democratic elections in 1994, has invited various backlashes from the community in the form of the emergence of the New Social Movements (NSM). The democratic honeymoon and respect most activists had for Nelson Mandela suppressed various forms of backlashes and criticism against the ANC and its new capitalist trajectory. It was after Thabo Mbeki inherited the presidency that the NSMs emerged in earnest.

Appropriately the NSM's have challenged the ever growing political monopoly of the ruling ANC. They have organised marches and protests at various times throughout the country, others like the Treatment AAction Campaign (TAC) have used lawyering very effectively. The current political opposition could not challenge the ANC effectively because of the past political baggage. Apart from the Pan Africanist Congress of Azania, AZAPO and sections of the newly formed Independent Democrats, 'most parties were either opposed to the creation of the contemporary democratic order, associated with apartheid, or had a very ambiguous relationship to the creation of democracy'(Suttner, 2004, pg8). The NSM's continue to blame the ANC macro economic policy for the social delivery backlog. With no formal structure directing the community action against government's failure in delivering basic social services, these movements have sometimes resorted to disruptive and violent means when voicing their concerns.

The key explanation for the newness of today's generation of social movements is that old avenues of opposition were absorbed into the post-apartheid government, thus leaving opponents of the government without a voice which to express or a mechanism to

organise opposition (Ballard, et al, 2006, pg 15). The tacit pledge made by the civics to restrict their activities to reconstruction and development as discussed in the previous chapter, essentially stripped the civics of its historical role of being 'watchdogs'. Social Movements seized to criticize the government and challenge government's policies, most civil society organisation became extended arms of the state in development and construction. 'The NSM however helped to create citizens once again' as Zackie Achmat argues. Maureen Mnisi of the Landless People's Movement (LPM) agrees 'LPM serves a very important role in becoming a voice in the community impeded by bureaucracy and low level of education (Maureen Mnisi, Interview, 2005). Buhlungu correctly argues that the emergence of the social movements should be seen as a 'pattern of independent mobilisation at times when the national liberation movement is absent or failing to act on issues that affect a significant constituency' (Buhlungu, 2006, pg68).

The policy u turn by the ANC from Reconstruction and Development Program (RDP) to Growth Employment and Redistribution (GEAR) 'a neo-liberal inspired policy package' (Bond, 2000, pg92) was the first step by the government which invited nationwide protests in South Africa post 1994. The NSM did not necessarily protest against GEAR as the macro economic policy initially but it was issues like the unavailability of land, installation of water meters in Soweto and the unavailability of cheap drugs in the main which triggered the protests. Many argue that it was only later when the academics entered the cause that all these socio-economical woes were, correctly so, linked to GEAR. During the Social Movement Indaba march in Johannesburg on Human Rights day in April 2007 most activists were chanting ' asiyifuni i GEAR' (we do not want GEAR) when two members from the APF were asked if they knew what GEAR was, they both failed to give a satisfactory answers. Although almost all members of the NSM are unanimous in their condemnation of GEAR, very few can explain the overall impact of GEAR outside their immediate concerns.

Anti - GEAR campaign was first unveiled to many in a meeting at Wits University at the launch of the Anti Privatisation Forum (APF). Buhlungu argues that what triggered the formation of Anti Privatisation Forum in Gauteng was Johannesburg City Council's Igoli

2002 plan and Wits University's cost cutting plan called Wits 2001. These were seen by activists as manifestation of cost-cutting economic regime that was unfolding since the adoption of GEAR. APF sees itself as part of the global anti globalisation and anti neo-liberalism movement and it continues to introduce and presents itself as such at international gatherings. The largest protest of the APF in South Africa against globalisation and neo-liberalism was when APF and its fraternal organisations under the banner of the Social Movements Indaba marched during the World Summit on Sustainable Development in Johannesburg in 2002.

AFP was the result of co-operation by three broad but not homogeneous groupings of the left. First there were left activists within the ANC/SACP/COSATU alliance who felt a sense of frustration particularly after the adoption of GEAR by the ruling party. These activists, Trevor Ngwane (ANC local government councilor), John Appolis (regional secretary of COSATU affiliate Chemical, Energy, Paper, Printing, Wood and Allied Workers Union (CEPPWAWU)) and Dale McKinley of the South African Communist party were later dismissed by their respective organisations. After being expelled from the ANC in 1999 for his radical anti-privatisation stance, former Pimville councilor Trevor Ngwane founded the Soweto Electricity Crisis Committee (SECC) (Gumede, 2005, pg280). SECC was behind the illegal reconnection of electricity supplies cut off by Eskom for non-payment. Ngwane argued that it was 'criminal to rob people of necessities of life' *(Mail and Guardian, 2003, pg7)*. SECC also embarked on other disruptive campaigns such as operation Vula Amanzi (open the water) and Operation Buyela Endlini (return to your house) after the cutt off of water suppliers by the municipality for non payment and eviction of families from their homes for failure to make payment. The highlight of SECC events was on 6 April 2002, nearly 100 SECC members, many of them pensioners, arrived at the mayor Amos Masondo's Kensington home to present a petition and protest against power cuts (Egan and Wafer, 2006,, pg53)

These NSM's are 'loose-knit many have overlapping leadership structures, with the same names cropping up in different contexts. The leading lights include Marxist unionist or ex communists associated with the 'workerist' rather than 'nationalist' union factions in

the 1980's, and radical anti apartheid activists disenchanted with the ANC and its partner, the South African Communist Party (Mail and Guardian, 2003, pg6). Although their struggle might have emanated from the grassroots, the NSM agenda has been largely affected the dictates of institutions like Social Movements Indaba for an example. The over involvement of the SMI culminates sometimes to extreme positions towards the government. Furthermore the NSM's rhetoric is very academic an in English which to an extent discourage the uneducated, who makes up the majority of the constituency of these movements, from participating in meetings and in policy formulation processes.

3.2 World Social Forum and the New Social Movements in South Africa

A crucial impetus for social movements in South Africa that provided coherence to the left activist and social movements was the emergence of the so called anti globalisation movement, the first in Seattle in 1999, and later in other cities in North America and Europe (Wainwright, 2003, pg70). In 2001 South Africa hosted the World Conference Against Racism, Racial Discrimination and Xenophobia (WCAR) in Durban and World Summit on Sustainable Development (WSSD) in Johannesburg in 2003. These two international events rejuvenated the social movements and facilitated the re-launch of South African NSM's in the international scene. South Africa was chosen as the country to host the third World Conference Against Racism, Discrimination and Xenophobia because of its success in defeating institutionalized racism and the processes put in place for a peaceful transformation to democracy and reconciliation (Desai, 2002, pg121). Years after these two events the South African NSM's started featuring prominently in most international platforms especially the World Social Forums. Zackie Achmat from the Treatment Acton Campaign (TAC) became one of the most prominent international activists scooping several awards, honorary degrees and Nobel Peace nomination. Trevor Ngwane the dreadlocked activist from Soweto also became a very prominent figure in the international anti neo-liberalism and anti-globalisation movement. His status was further enhanced by the documentary produced by South African film maker Ben Cashdon called *The Two Trevors.*

The essential context of the Word Social Forum's emergence is the international movement against neo-liberal globalisation and the rise of international bodies of global governance (Schonleitner, 2003, pg78). South Africa has been represented at the forum since its inception in 2001 in Porto Alegre, Brazil. The international coordination and synchronization of the Anti War protests around the world on the eve of the invasion of Iraq by the US led coalition forces demonstrated how effective this platform has become. Internationalization of global struggles via different civic societies continues to highlights the importance of the WSF in directing and linking international leftist agenda. The intermingling at the World Social Forum has encouraged helped to lobby South African NSM's to embrace other international and global causes, this is discussed in details in chapter 4. The unity that is forged during the World Social Forum motivate South African activists can return to South Africa and pursue solidarity struggles. The World Social Forum has also helped in localizing and linking global struggles throughout the world. The Landless People Movement of South Africa managed to link their struggle with the Landless People's Movement of Brazil and other landless movement from across the globe. The Palestinian Solidarity Committee for an example, managed to localize and mobilize for the struggle of the Palestinians in South Africa. At the World Social Forum in 2002 the decision was taken 'to integrate the Palestinian National cause in the Global Agenda of social movements and civil societies, as it is an integral part of the world movement towards human freedom' (*The Palestine Monitor*, 2002, pg1).

Therefore the emergence of the NSM's can be attributed to a hybrid of various socio-economical factors. Globalisation of politics and markets has led to many changes in South Africa. It is argued that South Africa has to adhere to international treaties and undertakings which in most instances serve the interests of the developed world. The inability to manufacture generic medicines for Acquired Immune Deficiency Syndrome (AIDS) patients is one case in point. Fearing expulsion and punishment by the World Trade Organisation, South Africa has not produced generic alternative drugs as it should to save millions of lives. Developing countries including South Africa are now faced with unprecedented challenges in the global and local market. Furthermore South Africa has witnessed the flooding of cheap goods from international markets which affect

employment. The privatisation of the supply of basic services like water and electricity also continues to affect the poor majority in South Africa.

The global nature of these challenges surely affect the majority of South Africans the including South African government. This can only be addressed effectively through a partnership between the NSM and Global Social Movement (GSM). The NSM's can play a role in changing some of these challenges facing South Africa. The World Social Forum platform facilitates the exchange of international sociopolitical struggles. One case in point which will be discussed later in detail is the successful campaign by the Treatment Action Campaign and GSM against the pharmaceutical companies.

President Thabo Mbeki has accused the NSM of furthering insidious agenda dictated by foreign countries to destabilize South Africa. At the opening of the African Peer Review Mechanism President Thabo Mbeki said 'we have civil society organisations funded by the Americans, the Swedes, the Danes the Japanese who set agendas, who says these are the things we want' (*The Star Newspaper,* 2005, pg3). Many argue that such rhetoric is not helpful it creates unnecessary tension instead of encouraging positive interaction with the NSM's which can also be helpful in government's shortfalls in their service delivery. The hard handedness of the South African Police Services in dealing with protests and demonstration organised by the NSM's reflect the government's attitude towards the NSM's. In 2004 two members of the Landless People's Movement, Anne Everett and Mavis Mnisi, were physically and emotionally abused, whilst in police custody, by the police at the Protea police station in Soweto. These are the same tactics that the apartheid regime used in the past which are now utilized by the South African government (Eveleth, interview).

Ballard, et al argue that the New Social Movements in South Africa emerged responding ' directly against government policies, others focused on government's failures in meeting basic needs and addressing socioeconomic rights and others directly challenging the local enforcement of government policies and to resist government attempts to repression' (Ballard, et al, pg 2). The common denominator in all the reasons given

above is the government's failure to meet the needs of the people. The following two chapters, chapter 4 and 5, will specifically look at the Treatment Action Campaign and the Landless People' Movements and investigate what were the proximate causes which triggered their formation.

Chapter 4 Examining the emergence of the Treatment Action Cam

4.1 Introduction

Not since the Black Death which decimated the population of Europe in the fourteenth century has a pandemic posed such a terrible threat to an entire continent as Human Immunodeficiency Virus (HIV)/ Acquired Immune Deficiency Syndrome (AIDS) does to Africa today (Sparks, 2003, pg 283). Over the past two decades, 65 million people have become infected with HIV, the virus that causes AIDS. Approximately 25 million people-more than the aggregate battle deaths of the twentieth century combined-have lost their lives to this plague. More than 40 million are currently infected. Every day 8000 people die of AIDS (Behrman, 2004, pg147). In South Africa numbers are staggering at the end of 2005 Unicef estimates that '3,100,000 women above the age of 15 years were living with HIV and 1,200,000 children between 0-17 years were orphans' (Unicef, 2007). The scourge of AIDS and HIV gained momentum between 1991 and 1995. It was a critical stage in South African history, and so the disease caught South Africa off guard. It made its silent inroads as guerilla fighters, lonely men with pay, made their way home from infected areas to the north and while the apartheid regime and the liberation movements were locked in intense negotiations that absorbed all their attention (Sparks, 2003, pg 284). Sparks further argues that the returning of thousands of exiles after the un-banning of the liberation movements and the long transport routes from the North were probably the principal vectors of the disease. Migrant labour who went to the cities of Johannesburg were barred from bringing their families to the cities because of apartheid laws. This situation led to 'a vast army of men severed from their families and forced into an unnatural lifestyle where they had multiple sexual relationships' (Van Wyk, 2003, pg1). Precautions were not taken in ensuring that the threat of HIV/AIDS entering South Africa was minimized. Moreover, because most who were returning to South Africa left under sensitive political circumstances, it would have been politically unwise to subject the returnees to medical testing before entering the country. What further complicated the situation was that the first democratic South Africa under the leadership of Nelson Mandela 'remained practically silent on AIDS until he addressed it at he World Economic Forum-notably Davos, Switzerland, not his home country-in 1997' (Behrman,

2004, pg202). Furthermore 'in 1993 when an advisory panel recommended that the government allocate $64 million to combat AIDS, Mandela reportedly proposed only $15 million (Behrman, 2004, pg202). Mandela was unable to deal with AIDS/HIV effectively because of three main reasons. He was too busy with other things he mostly delegated duties to his ministers hoping they will do a good job and he suffered from African conservatism which dictated that sexual discussion are not to be held in public. People told him not to speak to young people about sex (Interview, Zackie Achmat, 2007). However Achmat acknowledges that not withstanding all of the above shortcomings, Nelson Mandela oversaw the implementation of the best AIDS plan that South Africa has ever had, The National AIDS plan.

The politics of AIDS and HIV and the rolling out of antiretroviral drugs for people infected by the virus in South Africa are sensitive and complicated. These politics are complicated first by those people, including those in government, who believe that this is some kind of conspiracy directed at black people. This conspiracy is fed by the historical fact that during apartheid the government had sponsored a clandestine germ warfare program that was accused of targeting ANC officials. Secondly a presidency under Thabo Mbeki which has introduced various forms of obstacles in addressing the pandemic. Thabo Mbeki initially eagerly backed a counterfeit remedy Virodene that had been developed by a group of Pretoria University researchers and which the new government hoped would reduce the crippling costs of dealing with the disease (Sparks, 2003, pg 285). The drug was rejected when the Medicines Control council discovered that its active ingredient was an industrial solvent that cause severe liver damage. Professor Malegapuru Makgoba, renowned microbiologist who is now the President of the Medical Research Council, argues that when the hope that Virodene was the right cure and would reduce the cost of dealing with the disease the government retreated behind revisionist theories (Sparks, 2003, pg 285). AIDS revisionists or dissidents argue amongst other things that AIDS is caused by lifestyle factors such as poverty or malnutrition, not the HIV virus, which they contend was a harmless passenger virus. Mbeki did not have these views initially. His enthusiasm and backing of Virodene in 1997 is evident of that.

Stranded and not knowing which step to take the then Minister of Health Nkosazana Zuma solicited an advice from an AIDS expert in the United States named Jamie Love. Love suggested to South African government that they should consider importing cheaper generic drugs. He also suggested that South Africa should endorse compulsory licensing whereby South Africa would grant licenses to manufacturers to produce generic drugs at home making them cheaper still (Berhaman, 2004, pg145). South African national leadership was at the time mulling over legislation to pursue 'parallel trade' which would enable it to buy the life-extending antiretroviral drugs from other countries where they were sold for less. Indeed this practice was not restricted by international law. However 'South Africa was keen to maintain its good international economic standing and wary of risking the ire of multinational pharmaceutical companies, foreign investors, or the Unite State Trade Representatives' (Berham,2004, pg145). When Virodene was rejected as 'toxic' the government resorted into passing the amendment to its Medicines and related Substances Act of which was effected in 1997. The act was amended to address amongst many the following: to provide for procedures that will expedite the registration of essential medicines, and for the re-evaluation of all medicines after five years; to provide for measures for the supply of more affordable medicines in certain circumstances; to require labels to be approved by the council; to prohibit bonusing and sampling of medicines; to further regulate the control of medicines and Scheduled substances; to provide for the licensing of certain persons to compound, dispense or manufacture medicines; to provide for generic substitution of medicines; to provide for the establishment of a pricing committee: to regulate the purchase and sale of medicines by wholesalers; to regulate anew the Minister's power to make regulations: and to provide for the rationalisation of certain laws relating to medicines and related substances that have remained in force in various territories of the national territory of the Republic by virtue of section 229 of the Constitution of the Republic of South Africa, 1993; and to provide for matters connected therewith (RSA Government Gazette, 1999, pg2).

The passing of the Medicines Act in 1997 infuriated many pharmaceutical companies. By early 1998 roughly forty pharmaceutical companies had sued South Africa over the Medicines Act. The Act did not necessarily alleviate the problems in the poor affected communities of South Africa, it did lower the prices of drugs but it did not allocate funds to help subsidise the vast majority of poor infected South Africans. Notwithstanding the fact that Trade-Related Intellectual Property Rights agreement, supervised by the World Health Organisation, allows countries facing a national health emergency to undertake certain drastic measures, the big American drug companies-amongst them Glaxo Wellcome, the manufacturers of the Azidothymidine (AZT)-objected strongly (Sparks, 2003, pg292) to the amendment. The prices charged for medicines don't depend on how much they cost to produce, rather pharmaceutical companies that registers a new drug are given a patent for 20 years, during which time they can set their own prices for the drugs. During this period no other companies can manufacture the drug, so there is no competition to bring down the price, and the pharmaceutical companies will charge as much as possible to make the most profit. Once the patent expires other companies can manufacture generic versions of the drug – using the same active ingredients – and its price will drop considerably (TAC, 2003, pg6). Sparks argue that the lawsuit by the pharmaceutical companies and restrictions imposed by the WTO infuriated the South African government particularly Mbeki.

The relationship between the pharmaceutical companies and the South African government never recovered after these encounters. When the antiretroviral drug manufactured by the U.S pharmaceutical company Pfizer was prescribed, South African government subjected it to cumbersome testing before it could be distributed. The government went to an extent of calling the drug 'toxic', advising people to have a balance diet instead if they wanted to stay healthy and to boost their immune system. Anthony Brink a lawyer whom Thabo Mbeki 'confessed as the first person to draw his attention to the dissident website'(Sparks, 2003, pg286), called AZT 'a medicine from hell'(*The Citizen*, 1999, pg 7). Sparks argues that Mbeki's ammunition against the drug and the pharmaceutical company that produces it stems from the book he stumbled upon while surfing the internet titled *Debating AZT* which suggests that AZT drug is toxic.

Mbeki went on to sponsor a group of dissidents to investigate the link between HIV/AIDS. The AIDS/HIV dissidents argue that 'AIDS is caused by lifestyle factors such as poverty or malnutrition, not the HI virus, which they contended is a harmless passenger virus as already stated. Sparks continues to argue that most administration embraced Mbeki's views 'including people who were literally dying of disease themselves' (Sparks, 2003, pg265). However many argue that the death of Parks Mankahlana, presidential spokesperson and Peter Mokaba a national member of parliament both senior members of the government and the ANC was a wake up call to many in the administration.

Criticism of AZT drug and the prevalent dissident views on HIV/AIDS within the corridors of the Union Building stalled the AZT drug rollout process. The TAC was not pleased by the manner in which the government was addressing this national crisis. In 1998 the Health Minister Nkosazana Zuma withdrew government support for pilot projects to treat HIV-positive pregnant women to reduce the number of babies who contract HIV. (Pregnant women passing the virus to their offspring is referred to by one of the AIDS worlds' favourite acronyms – MTCT, which stands for mother to child transmission. The TAC took the matter to court and won. The Constitutional Court in July 2001 ordered the government to immediately implement the rollout of antiretroviral drugs for pregnant mothers (Calland, 2006, pg 250). The government appealed the judgment. However following the release of statistics that more than 25% of pregnant women were HIV positive and that between 70 000 and 100 000 babies were infected every year, calls opposing government's view escalated (Sparks, pg 266). Nelson Mandela added his moral weight and urged the government to reconsider its position. This was the turning point in the relationship between the government and the Treatment Action Campaign.

4.2 The Treatment Action Campaign's (TAC) fight with the pharmaceutical companies

The TAC was launched on the International Human rights Day, 10 December 1998. The TAC 'campaigns 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 treatment'(Friedman and Mottiar, 2006, pg23). The TAC's most strategically important ally may have been the one formed with international GSMs. When the South African government introduced the amendment to the Medicines and Related Substances Act in 1997, the pharmaceutical companies as already stated took South Africa to court. The big drug companies in South Africa including Glaxo Wellcome who manufacture AZT objected strongly to the amendments. More than forty of them filed suit in the South African Constitutional Court to bar the amendment, claiming it violated their intellectual property rights (Sparks, 2003, pg 292). South Africa's aid was suspended, and its economic standing denigrated when it was put on infamous "301 Watch List" (Behrman, 2004, pg 147) of countries that could face economic sanctions because of attempts by the South African government to reduce the prices of essential medicines by introducing the Medicines and Related Substances Control Act of 1997 (TAC, 2003, pg 4).

In September 1999 just before the protest in Seattle in 1999, the GSM redirected their sights on the United States Trade Representative (USTR). The Treatment Action Campaign and the GSM accused the USTR which was acting on behalf of the pharmaceutical companies of greed. The protestors stormed the office of the chief negotiator at the United States Trade Representative, Charlene Barshefsky, and several of them handcuffed themselves to the building's balcony. They organised a steady stream of protest marches outside USTR's office, with oversized, twenty-foot puppets (Behrman, 2004, pg157). The protests against the pharmaceutical companies started soon after Al Gore declared his candidacy. Al Gore was targeted because activists had become convinced that the Gore camp was in the pharmaceutical industry's purse. Following a wave of protests around the issue of accessibility and the embarrassment which came with them, the USTR released a press statement announcing an agreement with South Africa over drug issue. The USTR would formally endorse the South African Medicines Act in return for South Africa's affirmation that it would adhere to all formal international agreements going forward, including Trade Related Intellectual Property rights (TRIP).

The GSM placed pressure on pharmaceutical companies to drop the lawsuit and because their head offices are abroad the pharmaceutical companies feared being portrayed as unsympathetic to the poor (Mottair and Friedman, 2006, pg35). They withdrew the lawsuit. The court action by the U.S. based pharmaceutical companies against the South African government's amendment of the Medicines and Related Substances Act of 1997 is one of the factors which triggered the emergence of the TAC. The amendment 'enabled the Department of Health to acquire generic versions of badly needed drugs at much lower prices than the big drug companies that had developed them were charging' (Sparks, pg 292). It encourages pharmacists to offer patients generic substitutes of the drug they have been prescribed. It establishes a national pricing committee to evaluate the prices charged by drug companies. It enables the government to introduce compulsory licensing of essential medicines to allow them to be manufactured locally. Compulsory licensing is a method to override existing intellectual property protection by compelling the holder of a patent to grant licenses to local manufacturers who will in turn charge lower prices. Compulsory licensing would allow South Africa to manufacture its own AIDS drugs and to distribute them within South Africa at affordable prices. It provides for parallel importation, which means that drugs are bought from the country where they are available at the lowest price. Parallel importation is the importation of pharmaceuticals from third parties not authorized by the patent-holding companies. It allows South Africa to import a drug manufactured and sold at a lower cost elsewhere. In turn, the government is able to fulfill the supply that cannot be met under current pricing schemes. For example, if the South African government were to purchase Fluconazole (Diflucan) from the patent-holding pharmaceutical company it would cost approximately $4.10 per dose. On the other hand, the South African government could purchase the same drug from generic drug manufacturers in Thailand for $0.60 per dose (Mombach, 2001, pg290).

South Africa is signatory to a Trade-Related Intellectual Property Rights (TRIP) supervised by the World Trade Organisation (WTO). TRIP embodies an effort to harmonize globally the intellectual property systems of WTO Member States. Some

critics argue that, because TRIP provides for worldwide patent protection, drugs become more expensive in developing countries. TRIP requires protection of pharmaceutical products as well as processes. It contains several provisions available to all member states, which developing countries may utilize in order to obtain less expensive drugs. On the issue of compulsory licensing TRIP allows member countries to participate in compulsory licensing only if the proposed user makes reasonable efforts to obtain authorization from the right holder of the patent. The proposed user must satisfy several other conditions, including providing guarantees that the authorization will only be used to supply the country's domestic market (Mombach, 2001, pg276). Regarding allowing the parallel imports TRIP allows member states to engage in parallel importation provided that they (the holders of rights) decide from which country to import. Secondly should that country, from which imports are made, run out of supply they (the holders of rights) assume supply. The U.S backed pharmaceutical companies were willing to allow the parallel trade 'provided that the U.S reserve the right to approve of those trades'(Behrman, 2004, pg 147).

Although the struggle against the pharmaceutical companies in the case of the Medicines and Related Substances Control Act of 1997 was initiated by international activists, the TAC played a crucial role in those protests. The protest mounted in the US putting pressure of vice president Gore who was standing for the election to be the president of the United States to pressure the pharmaceutical companies to drop their lawsuit against the South African government.

After the death of the AIDS activist, Christopher Moraka, in July 2000 TAC launched a defiance campaign against pharmaceutical companies. Chistopher Moraka died after suffering from severe thrush because of the unavailability of the drug Fluconazole on the public health system because it was too expensive. Fluconazole is used to treat fungal infections, including yeast infections of the vagina, mouth, throat, esophagus, abdomen , lungs, blood, and other organs. Fluconazole is also used to treat meningitis caused by fungus. In 2004 a defiance campaign against leading company Pfizer was undertaken calling for it to reduce the prices of Fluconazole drug or relax its patent rights so that

generics can be manufactured. Zackie Achmat visited Thailand where he bought 5 000 capsules of a generic Fluconazole, with the trade name Biozole, for R1.78 each. He returned to South Africa with 3 000 tablets and passed through customs without being stopped. Pfizer the company that had the intellectual property rights to the drug was distributing it in South Africa at the cost of R30 to the state and R80 to private individuals while the generic equivalent cost just under R2.00 in Thailand. After this incident, which brought embarrassment to Pfizer, the company began to distribute the drug free of charge in state clinics in March 2001. TAC had made the point. In October 2000 Zackie Achmat was ordered to present the illegal drugs to the Narcotics Bureau division of the South African Police Services in Cape Town. On 20 October, flanked by political and religious leaders, Zackie Achmat surrendered himself to policed in Cape Town (Bardowitz, 2001)

The rejection of Virodene as an African miracle to cue HIV/AIDS and the subsequent lawsuit by the pharmaceutical companies in opposition to the amendment of Medicines and Related Substances Control Act of 1997, made Thabo Mbeki very angry. Unfortunately this anger blinded him in his future engagement with the disease. Sparks argues that it was while Thabo Mbeki was in his angry state of mind that he embraced the dissident's views on HIV/AIDS. What further compounded the situation was the debate that followed regarding his dissident's argument on HIV/AIDS. Failing to convert public opinion Mbeki announced that he was withdrawing from the debate. Mbeki's stance of AIDS cost him dearly politically. Mbeki's approval ratings declined steeply soon after the AIDS saga began and he has been struggling to regain the same level of political confidence from the public. In May 2000, 71% of South Africans thought he was doing a good job, by June that had dropped to 66% and by August it was down to 50.2%. A poll of urban adults of all races in early 2002 indicated that nearly 60% disagreed with his viewpoint on AIDS, and only one in 10 agreed fully with him (Sparks, 2003, pg 267).

Finally, the partnership between the Treatment Action Campaign and the South African government would have yielded positive results in the fight against AIDS/HIV. Where the government encountered restrictions due to its commitment to international treaties,

the Treatment Action Campaign working with activists from the GSM would have made a difference. However what has happened is that the government has refused to facilitate the TAC's campaign, and continues to frustrate the TAC in various ways. In its attempt to deny the TAC victory notwithstanding that the United States dropped its opposition to the South African Medicines Act, and some pharmaceutical companies had agreed to drop their prices by 90% or more, by the year 2000, 'the South African government still refused to help its people with the life saving drugs, as neighboring Botswana had begun to do' (Behrman, 2004, pg205). Furthermore, to settle old scores, the South African government continues to discredit AZT drug and other antiretroviral drugs not withstanding the scientific findings in favor of the drugs.

Chapter 5 The emergence of the Landless People's Movement

5.1 Introduction

One of the very first pieces of legislation that the new South African government in 1994 promulgated was the Restitution Act No 22 of 1994. The main aim of this Act is to provide for the restitution of land rights to persons or communities dispossessed after 19 June 1913 as a result of past racial discriminatory laws or practices (CRLR, 2003, pg 1). However the use of 1913 as the benchmark for restitution claims would not entirely address the question of land disposition because there are many instances whereby African people were dispossessed of their land prior to 1913. The process of land seizure by the white settlers has been going on since Jan van Riebeeck set foot on the shores of the Cape of Good Hope in 1652 (Mbeki, 2003). Between 1652 and 1913 there was a sustained campaign of African land dispossession. During the Wars of Dispossession which lasted until around about 1880 a massive amount of African land fell into the hands of the White settlers. Within few years after the discovery of diamonds in the 1860s the British imperial government embarked on a policy of expansion in southern Africa. British and colonial troops engaged in wars against a number of chiefdoms and overpowered one after the other in quick succession: the Hlubi in 1873; Gcaleka and Pedi in 1877; Ngqika, Thembu, Mpondo, Griqua and Barolong in 1878; Zulu in 1879; Sotho in 1880; and Ndebele in 1893 (Mbeki, 1990, pg1). By the time the Wars of Dispossession ended, Africans had been pushed back to the areas which were known as the Native reserves at the formation of Union in 1910. The Land Acts of 1913 and 1936 'reserved almost 14 percent of the land for Africans, who constituted 70% of the population' (Lipton, 1986, pg18). Today despite years of 'land reform, 85% of the country remains under white ownership'(Ann Everett, Interview, 2005). Furthermore the Native Land Act 'converted many African farmers into laborers, migrating to white areas to work' (Lipton, 1986, pg104). The Native Land Act was intended to destroy economic independence of African farmers by claiming African property in white areas. Furthermore it created serious tenure insecurities in the land African communities consequently entrenching oppression and submissiveness. Frightened of being kicked out from their homes in white owned farms, African peasant who remained squatting in

the white areas after the promulgation of the Native Land Act in 1913 were converted to slaves.

It is not surprising therefore that amongst the first laws passed in South Africa was the Restitution Act No 22 of 1994. Nelson Mandela understood that South Africa could never fully reconcile unless the question of land was addressed. However unlike Zimbabwe, whose initial land reform model was influenced and backed by the Lancaster House Agreement of 1980 thus avoiding investor skepticism, South Africa lacked credible sponsor for its land reform program. Consequently South Africa had to undergo painful lengths in order to devise a program that was going to maintain investors' confidence. Most importantly for Nelson Mandela also was that the land reform program to be adopted needed to encourage reconciliation in South Africa. Xeswi argues that the land reform program was 'sabotaged before it began by the infamous Convention on a Democratic South Africa (CODESA) compromise in which it was agreed that the poor must buy back their own land' (Xeswi, 2005, pg178). Since the early 1990's the World Bank has indeed advocated what it calls market-assisted land reform in countries around the world, and was a key influence on the thinking of the ANC during the transition in democracy (Lahiff, 2005, pg1). The willing buyer willing seller is a concept under which the price paid for expropriated property is determined by reference to the price that would be paid for the property were it to be exchanged between a willing seller and a willing buyer. Notwithstanding favorable conditions provided by this model to the landowners, most remain resistant to it. This has as a result infuriated the land civic society organisations who accuse the government of not taken the land issue seriously and of dragging its feet on the issue of land reform.

5.2 South African Land reform program

The South African Commission on Restitution of Land Rights was created in 1995 to Provide equitable redress and restoration to victims of these dispossessions; particularly the landless and rural poor. Contribute towards equitable redistribution of land in South Africa. Promote reconciliation through the restitution process. Facilitate development initiatives by bringing together all relevant stakeholders, especially the Provincial

Government and Municipalities. It has proved a complex and slow-moving process, and nearly a decade after the first democratic elections, the government has found itself defending its record on delivery.

5..*2.1 Land restitution*

It is estimated that 3,5 million people were forcibly removed in the post World War II period in a further drive in the process of land dispossession. The Native Land Act created a dependency syndrome amongst the Africans and more importantly created a pool of cheap labour for the white capitalists. Lipton argues that 'the demand of white farmers for cheap labour provided an additional (some would say) the major reason for the suppression of African agriculture' (Lipton, 1986, pg105). The government created the Land Claims Court and Commission, established under the Restitution of Land Rights Act, 22 of 1994 to deal specifically with land restitution claims. The process involves lodgment and registration, screening and categorisation, determination of qualifications in terms of section 2 of the Restitution Act, preparation for negotiations with the landowners and implementation/settlement of the claim. To avoid an open ended land claims process the government controversially declared 31 December 1998 as the deadline for all restitution claims. The South African government has settled to date claims in excess of 36,488 (CRLR,2003, pg2).

5.2.2 Land tenure amendment

Land Tenure reform was designed to address present land policy, administration and legislation to improve the tenure security of all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure (ownership). The tenure insecurities remain the greatest form of oppression and injustice carried out by the landowners, both government and private. The tenure insecurity in non-government land is often accompanied by various challenges for the landless. One major challenge is government's unwillingness to invest in socioeconomic development. The argument brought forward by government is that because the land is in private hands who reserve full rights of the land, it will be foolhardy to invest state resources in such a situation. People who are mostly affected landless by tenure insecurity in private land are those

who live in informal settlements in urban areas and farm workers and their dependents in the farms. In 1997 the government introduced the Extension of Security of Tenure Act no.92. The purpose of the Act is to provide for measures with State assistance to facilitate long-term security of land tenure; to regulate the conditions of residence on certain land; to regulate the conditions on and circumstances under which the right of persons to reside on land may be terminated; and to regulate the conditions and circumstances under which persons, whose right of residence has been terminated, may be evicted from land; and to provide for matters connected therewith (Government Gazette, 1997, pg1). However arbitrary evictions continue to occur in South Africa despite the promulgation of legislation such as the Extension of Security of Tenure Act. This is a result of combination of reasons. Human Rights commission agues that 'the implementation of legislation has been weak resulting in enforcement mechanisms failing to provide the necessary protection and the lack of institutional and financial support to implement the legislation results in systems that are shielded from external observation' (SAHRC, 2004, pg5). In addressing the concerns of the landless in government owned land, the government introduced the Communal Land Rights Act no. 11 in 2004. The purpose of the Act is to give secure land tenure rights to communities and persons who occupy and use land that the previous government had reserved for occupation by the African people. Most of this land is registered in the name of the State or is held in trust by the Minister of Land Affairs or the Ingonyama Trust for communities.

5.2.3 Land redistribution

Since 1994, only 2% of land has been distributed falling far short of the 30% that was targeted for by government by 2012. The two main reasons identified by the SAHRC for this failure in this area is the lack of land available for redistribution and the lack of adequate and integrated support services to beneficiaries of land redistribution programmes (SAHRC, 2004, pg3). The government's aim of land redistribution is to provide the disadvantaged and the poor with access to land for residential and productive purposes. Its scope includes the urban and rural very poor, labour tenants, farm workers as well as new entrants to agriculture (87:13% the White: Black land ownership ratio) (CRLR, 2003, pg 1). These by and large are people who cannot afford land due

economic constrains and historical disempowerment. Their inability to acquire land is further exacerbated by 'the marketisation of social services, where potential citizens entitled to social services are transformed into customers who have to pay for these services' (Greenberg, 2006, pg 133) disenabling them to save enough money to purchase land. There is a scarcity of viable commercial agricultural land in South Africa. There is only a small fraction of commercial agricultural land in the possession of the State. Present landowners of commercial agricultural land do not willingly sell their land. In some instances there is a tendency by these landowners to overprice their land. Land in South Africa is expensive and buyers including the State cannot afford to purchase land (SAHRC, 2004, pg3). Unlike in the urban areas of South Africa where the biggest challenge for the landless is tenure insecurity and houses. In rural South Africa the acquisition of land is important because of subsistence farming which is central to rural societies and economies. In many developing countries and some formerly communist societies, rural families comprise a substantial majority of the population. For these families, land represents a fundamental asset: it is a primary source of income, security, and status (McKinley, 2004, pg1)

5.3 The emergence of the Landless People's Movement in South Africa

The envisaged passive reconstructionist role by the players in the civil society has failed to materialise. The majority of the new social movements have instead adopted confrontational reconstructionist model towards reconstruction and development. The gap between the promises of 1994 and the failure apparent by 1999 quickly began to test the patience of the landless people, who in turn began to put pressure on the Non Governmental Organisations (NGOs) who had helped to convince them to wait for the land reform policy to work, despite its obvious flaws (Xeswi, 2005, pg184). The World Conference on Racism, Discrimination and Xenophobia and later the World Summit on Sustainable Development provided platforms during which the landless movement was launched. The Landless People's Movement (LPM) drew inspiration from the rising tide of international struggles against globalisation and neo-liberalism, especially after the Seattle protests of 1999 and particularly the rapid rise of the peasant struggles, such as the

highly successful Movimento does Trabalharados Rerais Sem Terra (MST) in Brazil and their growing linkages internationally through La Via Campesina.

Greenberg argues that the Landless people's Movement was formed around two different types of grassroots mobilisation. On the one hand, there were groups organised through the NGO's to participate in government land reform programmes. On the other hand, the other type of mobilisation which formed the base of the Landless People's Movement is spontaneous organisation to resist encroachment on the existing land access (Greenberg, 2006, pg 136). The government has put in place platforms to ensure that confrontations between the players in the civil society were avoided i.e. the support of the National Land Commission to deal with the issues of land and mobilizing the community around the issues of land. Tensioned soon simmered between the ANC aligned activists and the leftists who argued that the complications on the questions of land are the creation of the government's economic policies and its adopted strategies in addressing the land question and the slow pace of delivery. The tensions escalated further when the LPM 'warned that unless land reform was speeded up, it would launch a campaign to take the land back' (Gumede, 2005, pg 280).

'We calculate that it would take at least 120 years to redistribute the 30% at the current pace. And note that I am only talking about 30%. We believe it could take up to 400 years to have a substantial land reform in SA. It's basically an unworkable situation' (Jacobs, 2003, pg1). The Landless People's Movement was formed as a result of this deep rooted frustration over the slow pace of land and agricultural reform and restitution. They blame the adoption of the World Bank's Willing Buyer Willing Seller land reform model by the South African government for this delay. Willing Buyer Willing Seller model posits that 'the price paid for expropriated property must be determined by reference to the price that would be paid for the property were it to be exchanged between a willing seller and a willing buyer' (Lahiff, 2005, pg 1). The greatest challenge to the landless presented by this model is that most landowners have often resorted to racist methods which prevent the willing buyers from acquiring the land. The white owners of land have in instances refused to sell the land to black potential buyers for variety of

reasons. The Transvaal Agricultural Union (white farmers) established a Restitution Resistance Fund with the main purpose of opposing land claims. In cases where they realized that the claimants had valid claims they lobby or do everything possible to influence the claimants to get financial compensation so that they are paid off the land. In many cases they are hostile to claimants (CRLR, 2003, pg5). The South African government seemed oblivious to the fact that South Africa's historical past could be an obstacle in the implementation of the land reform program i.e. 'landowners can actively avoid offering their land for sale for land reform purposes, say on racist grounds, and still dispose of their land on the open market' (Lahiff, 2005, pg1). Furthermore what complicates the situation even more is that the South African land reform model remains silent on many important facilitating factors and the government remains less engaged in the process. The Zimbabwean land reform program, before it deteriorated into the current form, was driven by the government. The government's involvement helped fast track the reform and also dealt with the challenges of resistance from the landowners. Furthermore the land reform model in Zimbabwe granted the government (the buyer) the right of first refusal on all land sales without obligation to purchase meaning that the government had access to more land for land reform.

In South Africa 'the state does not have the power of first refusal and the intended beneficiaries have to compete for available land on the open market, at a market price' (Lahiff, 2005, pg1). The landowners in South Africa effectively have 'a veto over land reform' argues Lahiff. Chapter 7 Section 25 under Property in the South African constitution provides for the government to expropriate land where land is not made available. South Africa has been very reluctant in going that route but has contemplated introducing Land Tax. The proponents of this form of land reform argue that Land Tax if applied properly can put pressure on the land owners to release unused land. The land prices have also remained one of the most precluding factors in the South African land reform. The Land Summit made recommendations that the compensation for land should take into consideration the following: the current use of the property, the history of the acquisition and use of the property, the market value of the property, the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the

property. However Lahiff argues that this formula of calculation was most likely to considerably reduce the land price below what is currently paid. He suggests that the government considers what most commercial banks use to calculate the collateral values of farms internationally i.e. Productive Value. Productive value is based on the estimated productivity of the land when used for agricultural purposes, and is typically below the prevailing market price.

Furthermore the Landless People's Movement has risen in a 'context of the negative effects of years of belt tightening fiscal policies on the poor and the marginalized majority of the country, following the adoption of neo-liberal Growth, Employment and Redistribution (GEAR) macro-economic strategy in 1996' (Greenberg, 2006, pg132). South Africa negotiated a free trade deal that included other SADC countries with the Europeans Union. It was both controversial and not entirely successful, as the southern African markets were suddenly flooded with cheap, highly subsidized EU products, and many local industries went under (Gumede, 2005, pg198). Furthermore the uncontrolled South African land grabbing by the foreign and national rich people has raised the price of land in South Africa dramatically. The purchase of land by foreigners needs to be investigated in order to determine whether this has contributed to the boom in property prices (SAHRC, 2004, pg7). The social consequences of GEAR have been very drastic for the popular sectors: increased unemployment, rising from 16% in 1990 to more than 40% in recent years; an increase in poverty, with the official rate at 70% and of extreme poverty, estimated at 28 (McKinley, 2004, pg1). This coupled with the marketisation of social services, where potential citizens entitled to social services are transformed into customers who have to pay for services (Greenberg,2006, pg133) make it difficult for landless to save enough money to access land. Funds which would have ordinarily gone towards the purchasing of land are used to pay for basic services and for those affected by HIV/AIDS, to purchasing expensive drugs. The escalation in the price of basic services like water and electricity and the unavailability of health facilities continues to present challenges for the landless.

Many argue that South Africa's over zealousness in pleasing the potential investors continue to hurt the poor. The Willing Seller Willing Buyer land reform model has presented more problems to the landless whilst it unfairly enriches the landowners. Land prices suddenly escalated to unrecorded price levels in order to exploit the government and prevent black people from owning land. In the rural areas the lack of land has forced many people to migrate to the urban areas which lead to a string of social disturbances. The large influx of the poor from the rural to urban continues to overburden the urban social structures. The emergence of the Landless People's Movement is significant in the struggle towards land reformation and has prioritized the landless question. However the fact that this movement is led by people who are unaffected by landlessness undermines the movement. Except for provincial leadership, most members of the national leadership of LPM live in Johannesburg suburbs. This therefore justifies accusations labeled at the NSMs including the Landless People's Movement that they are vehicles for disgruntled academics and last hitch for those former anti apartheid activists who missed the 1994 gravy train. It is not entirely true that the activists are disgruntled academics and activists. Some of these comrades are genuine South Africans driven by principle (Vally, Interview). The multi agenda of the LPM which promotes both social and capitalist struggles 'Labour tenants, farm workers, residents of informal settlements and rural towns, restitution claimants and small-scale commercial farmers are represented on the national structure' (Greenberg, 2006, pg 140) has affected the movement's agenda. Furthermore the incoherent strategy, conflict of personalities within the LPM leadership has crippled the organisation. LPM remain without an office and Andile Mngxitama and Anne Everitt who performed variety of LPM's executive work are employed separately elsewhere.

Jean-Paul Sartre describes the process through which a group of atomized individuals form a collective with a common purpose, but this usually disintegrates or becomes ossified once the immediate purpose has been achieved. The government has over the years has introduced laws which seek to address most questions raised by the LPM and it continues to improve the land reform program. This has as a consequence left LPM issueless. Consequently many members of the Landless People's Movement particularly

in urban areas are joining en masse the Homeless Peoples Alliance. Furthermore the willing buyer wiling seller land reform model has indeed further presented the landless people from accessing land. The market related price suggested by this model is often exhaustive and prevents many from accessing land

Chapter 6 **Conclusion**

SANCO could not be player and a referee at the same time. Gumede argues that 'the real rot set in when SANCO pledged its support to the ANC in the first democratic election without securing a formal mechanism that would give it a say in decision-making at a local government level' (Gumede, 2005, pg 275). The role of the civic organisations remained indispensable particularly in the poor communities even after 1994. Therefore the political cooption of SANCO within the ANC left a huge political vacuum in the society. The biggest blow to SANCO however came in 1995 when South Africa held its first local municipal elections. To avoid the possible conflict within the political authorities especially in wards where the civics were strong, SANCO entered into an alliance with the ANC. This marriage was doomed from the beginning however the last straw came in 1996 when the ruling ANC adopted GEAR as the new macroeconomic policy of South Africa. In 1999 after the election of Thabo Mbeki there was a sporadic emergence of the NSMs.

The ANC came to power with a neo-Keynesian program, the Reconstruction and Development Program (RDP), whose initial implementation was very partial, but which was abandoned two years in favor of the Growth Employment and Redistribution Strategy (GEAR), a program of neo-liberal aspect (Antentas, 2006, pg1). In January 1990 a month before he was released from prison, Nelson Mandela issued a press statement in which he declared 'the nationalization of the mines, the financial institutions and monopoly industry is the fundamental policy of the ANC and it is inconceivable that we will ever change this policy' (Sparks, 2003, pg 170). This was in line with the Freedom Charter of the ANC which states that 'the mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole'. The shift of the ANC from Redistribution and Development Program to the adoption of GEAR (Growth Employment and Redistribution), a home grown structural adjustment program 'that sought to balance social development, the demands of joining a highly competitive global market and the often conflicting stakeholder interests of the ANC's supporters' (Friedman 2001, pg47) and the inability to deliver basic services has invited protests from various spheres of the society as already stated. GEAR was

undoubtedly the effort by the South African government to streamline South African economics to international neo-liberalism. Desai argues that South Africa is under real pressure from international financial markets to introduce austerity policies. However it has cooperated with an unseemly enthusiasm in pursuing that. For instance, when the WTO gave South African government twelve years to phase out protections of its national garment industry, the ANC chose to complete the project in eight years (Desai, 2004).

The relaxation of economic protection programs and the coercion to implement SAP (Structural Adjustment Programs) by the IMF, World Bank and other financial international institution means that the small economies, especially in the developing world, are flooded with cheap subsidized products from developed economies. This eventually led to closure of industries manufacturing similar goods that consequently led to retrenchments and unemployment. This has been the case in the textile industry especially in the Western Cape. According to the general secretary of the South African Clothing and Textile Workers Union Ebrahim Patel, more than a thousand jobs were still being lost every month in the clothing, textile, and the leather industries in the first six months of 2003 (Desai, 2004, pg1). Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP) have criticized GEAR. However COSATU as its president Willie Madisha acknowledges ' COSATU has been weak since the unveiling of GEAR in 1996 only recently did it start opening its eyes' (Buhlungu, 2006, pg69).

The local implementation of GEAR resulted into Egoli 2002, a Structural Adjustment Program which proposed the privatization of water and other basic services. Egoli 2002 invited protests from the poor communities of Soweto who were amongst the first municipality to have their basic services privatised. SANCO was inundated with complaints from the community and was accused of betraying their political mandate. The affected communities of Soweto regarded SANCO/ANC led local authorities, complicit in their plight because they were charged with driving the implementation of Egoli 2002. During this time SANCO found itself at the horns of dilemma. Their

constituency was unhappy with GEAR and expected their leaders to change the situation. However ANC was in charge, not SANCO. SANCO's leaders who accepted positions in the ANC, whether or not they maintained their positions in SANCO, could not effectively represent SANCO's interests when they were against those of the ANC or the government (Zuern, 2006, pg185).

Thabo Mbeki's anger directed to the pharmaceutical companies impaired his judgment and created tension between the government and the TAC. What started as an effective partnership between the TAC and the government against the challenges of HIV/AIDS has culminated to undesirable end. TAC took the government to court for failing to provide antiretroviral drugs to the HIV/AIDS patients and won. The key change in the political opportunity structure is democraticisation since 1994. This created opportunities for influence, such as the use of the constitutional court (Friedman and Mottair, 2006, pg24). This recognition impacts on the mobilisation strategy and legitimization of social struggles post 1994. 'The legitimacy of the government and popularity of the ruling party are new realities that activists forget at their peril' (Friedman and Mottair, 2006, pg25). The point made here is that the ruling ANC is still seen by many South Africans as a legitimate organisation led by democratically elected leaders. It would be foolhardy therefore for anyone to challenge that legitimacy and try to compete with that in an old like manner. TAC realized that soon in their history and they have as a consequence utilized the democratic platforms like the courts to achieve their agenda. The TAC has created citizens and has enable 180 000 people to receive treatment today in South Africa (Zackie Achmat, 2006, interview).

The end of apartheid presented South Africa with a host of events aimed at welcoming South Africa back into the international community. After the elections of 1994 South Africa hosted three major sporting events, the Africa Cup of Nations, the Rugby World Cup and the International Cricket World Cup. In 2001 and in 2003 South Africa was asked to host two United Nations Conferences, i.e. the World Conference against Racism, Discrimination and Xenophobia and World Summit on Sustainable Development. Both of these conferences had a profound impact on the South African NSMs. The first

conference in 2001 was held in Durban International Convention Centre. South Africa was an appropriate host of this event after it managed to defeated the worst racism of its kind under apartheid. It was during this gathering that the rejuvenation of social activism occurred and the Landless People's Movement was launched. The conference was divided into two parts, the governmental meeting and the civil society gathering. The Durban Social Forum was tasked to coordinate the civil society gathering which managed to organize the largest civil society march in South Africa post 1994. The march reflected a plethora of international struggles, there were Dalits from India and Japan, scores of Palestinian activists, landless movements from Latin Americas and various new social movements from South Africa. They were all united in their condemnation of globalization and neo-liberalism included were few ANC marchers who seemed unaware of the attack leveled against their ruling party. They only objected when insulting slogans were leveled to Thabo Mbeki.

In 2003 two years after the Durban Conference South Africa hosted the World Summit on Sustainable Development. The ANC did not want to see the repeat of the events which occurred during the WCAR, where the anti neo-liberalists and the anti globalists Left of South Africa influenced the outcome of the conference. They made sure that they were involved in the entire process in organising the summit. Unlike in 2001 during the WCAR in Durban, they attended all meetings and used their connections to ensure that right people held influenctial positions in the coordinating team of the summit. South African Non Governmental Coalition (SANGOCO) coordinated the civil society gatherings this time around in Johannesburg.

The over imposition of the ANC in the coalition led to the isolation of the NSMs most of them preferring to have outside of the conference meetings with the participating global activists, meetings later dubbed 'Pavement Conferences'. The last day of the conference was reserved for the joint march by all participating organizations in the civil society sector. Because of the division between the ANC and the NSMs, two civil society marches were organized, one led by the NSMs and the other by the ANC. The New Social Movement march which started from Alexandra Township to Sandton, where the

summit was held, drew larger crowd leaving the ANC very embarrassed after it only managed to attract a very small number of people. After the summit the ANC led government started purging certain people from its corporatists Non-Governmental Organizations (NGO). Ballard, et al, argue that the corporatist NGO's are those organisations established immediate post-apartheid phase and were subcontracted by government to undertake development services thereby entrenching the collegiate logic of state-civil society relations. The first and the most popular casualty of the purge was Zakes Hlatshwayo chairperson of the National Land Committee (NLC). Hlatswayo was fired from his position after failing to call Andile Mngxitama of the Landless People's Organisation to order after he, Mngxitama, called for land invasions. National Land Committee was a major financial sponsor of the Landless People's Movement and it helped and it helped formed the LPM. Furthermore Khanya College was kicked out of its premises in Newtown Johannesburg. These premises are owned by the Johannesburg Municipality and were used by most NSM for meetings.

There can be no doubt that globalization and neo-liberalism influenced the emergence of the New Social Movements in South Africa. The high cost of indispensable drugs for those affected and infected by HIV/AIDS is a result of South Africa's global commitments. The struggle for land in this country is against global dictates of the World Bank's Willing Buyer Willing Seller land reform model. Intellectual Property Rights and the Willing Buyer Willing Seller are both neo-liberal global constructs. However the adoption of certain forms of protests and discourse failed the movements. Most of the NSMs formed after 1999, except for the Treatment Action Campaign, utilized same anti apartheid forms of protests i.e. marches, toyi-toyi and demonstrations against the legitimate ANC. These forms of protest which were used against the apartheid government less than 10 years ago did not resonate appropriately within the rank and file South Africans when used against the ANC. Challenging the ANC is a risky business. Except for Nelson Mandela and Desmond Tutu, most who tried to challenge the ANC have ended up in political periphery. Treatment Action Campaign (TAC) understood this, hence its many victories over the years. Many argue that its use of courts and lawyering shows 'patriotism' and acceptance of the new democratic order.

Furthermore the ad hoc alliance on certain campaigns between the TAC and the member of the tripartite alliance and the constant reminder by Zackie Achmad the national chairperson of TAC of his 'ANCness' has afforded the TAC many gains and huge support from the grassroots

Many NSMs attacked the ANC instead of attacking GEAR, one of the many policies that the ANC have adopted over the years. Some like the SECC even went to an extent of forming a political party to challenge the ANC at the polls. The ANC is a very diverse organisation. David Makhura, the provincial secretary of ANC in Gauteng argues 'it is made up of people with divergent views and opinions'. Indeed these differences were demonstrated at the National Governing Council (NGC) meeting of the ANC in 2005 were the rank and file members of the ANC managed to change a very important decision which was taken by the National Executive Committee (NEC) to expel the deputy president Jacob Zuma from his position as the deputy president of the organisation after he was implicated in the trial of the convicted fraudster Schabier Sheik. Furthermore the National Policy Conference of the ANC which took place in Johannesburg in June 2007 also demonstrated the variety of political trajectories within the ANC. The party was divided on the issue of whether the president of the ANC should be the president of the country, avoiding the two tier of power as the ANCYL puts it.

Finally, this report interviewed several leaders of the NSM's. They all seem to be united in their condemnation of neo-liberal economics of the ANC. The interviews did not add much value to the report because the interviewees simply confirmed what has already been published, the interviews merely served as the confirmation of the published reports.

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